
ANNALS

OF

THE CONGRESS OF THE UNITED STATES.

THIRTEENTH CONGRESS.—FIRST SESSION.

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THE
DEBATES AND PROCEEDINGS
IN THE
CONGRESS OF THE UNITED STATES;
WITH
AN APPENDIX,
CONTAINING
IMPORTANT STATE PAPERS AND PUBLIC DOCUMENTS,
AND ALL
THE LAWS OF A PUBLIC NATURE;
WITH A COPIOUS INDEX.

THIRTEENTH CONGRESS—FIRST SESSION.
COMPRISING THE PERIOD FROM MAY 24, 1813, TO AUGUST 2, 1813, INCLUSIVE.

COMPILED FROM AUTHENTIC MATERIALS.

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WASHINGTON:

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1854.

PROCEEDINGS AND DEBATES

OF

THE SENATE OF THE UNITED STATES,

AT THE FIRST SESSION OF THE THIRTEENTH CONGRESS, BEGUN AT THE CITY OF
WASHINGTON, MONDAY, MAY 24, 1813.

MONDAY, May 24, 1813.

Conformably to the act passed the 27th of February last, entitled "An act to alter the time for the next meeting of Congress," the Senate assembled in their Chamber at the Capitol.

PRESENT.

NICHOLAS GILMAN, from New Hampshire.
JOSEPH B. VARNUM, from Massachusetts.
SAMUEL W. DANA, from Connecticut.
WILLIAM HUNTER, and JEREMIAH B. HOWELL, from Rhode Island.
JONATHAN ROBINSON, from Vermont.
JOHN LAMBERT, from New Jersey.
MICHAEL LEIB, from Pennsylvania.
OUTERBRIDGE HORSEY, from Delaware.
JAMES TURNER, from North Carolina.
JOHN TAYLOR, from South Carolina.
JOSEPH ANDERSON, and GEORGE W. CAMPBELL, from Tennessee.
THOMAS WORTHINGTON, from Ohio.
JAMES BROWN, from Louisiana.
JESSE BLEDSOE, appointed a Senator by the Legislature of the State of Kentucky, for the term of six years, commencing on the fourth day of March last; WILLIAM B. BULLOCK, appointed a Senator by the Executive of the State of Georgia, in place of William H. Crawford, resigned; DUDLEY CHACE, appointed a Senator by the Legislature of the State of Vermont, for the term of six years, commencing on the fourth day of March last; CHARLES CUTTS, appointed a Senator by the Executive of the State of New Hampshire, to fill the vacancy in the representation in the Senate from that State, during the present recess of the Legislature of the said State; DAVID DAGGETT, appointed a Senator by the Legislature of the State of Connecticut, in place of Chauncey Goodrich, resigned; JEREMIAH MORROW, appointed a Senator by the Legislature of the State of Ohio, for the term of six years, commencing on the fourth day of March last; DAVID STONE, appointed a Senator by the Legislature of the State of North Carolina, for the term of six years, commencing on the fourth day of March last; and CHARLES TAIT, appointed a Senator by the Legislature of the State of Georgia, for the term of six years, commencing on the fourth day of

March last, respectively, produced their credentials; which were read; and the oath prescribed by law was administered to them, and they took their seats in the Senate.

The oath was also administered to JOHN GAILLARD, and ABNER LACOCK, their credentials having been read and filed during the last session.

ADDRESS OF THE VICE PRESIDENT.

The VICE PRESIDENT exhibited a certificate of his having taken the oath of office prescribed by law; which was read; and he addressed the Senate as follows:

Gentlemen of the Senate:

Our fellow-citizens, in the free exercise of their Constitutional authority, having been pleased to honor the person addressing you, with this distinguished station, have inferred from him an indispensable obligation to meet their just expectations. To attain this desirable object, and to preside over this honorable body in conformity to their magnanimity and dignity, which at all times have been conspicuous, will be his primary pursuit. Whilst the Constitution has invested him with Legislative and Executive powers, in cases only that are casual, to the decisions of these, it has attached a great responsibility; in anticipating which, and his other duties, he has the pleasing prospect of reposing on your liberality and candor. But if, in this high and influential branch of the Government, such unanimity should prevail, as to decide for themselves every question of policy, the example will still increase their lustre, and add to his happiness.

It is a subject of cordial congratulation, that the liberties of the people, in so great a degree, rest on that wisdom and fortitude which mark the characters of the exalted personage who fills the Supreme Executive, of the dignified members who constitute the National Legislature, and of the eminent officers who direct the Ministerial departments—public virtues, emulated by few Governments, need no encomiums. Fidelity and integrity, unsubdued by the severest ordeals, and pre-saging to public calamities a favorable issue, will be ever held in high estimation; whilst a Government, scrupulously faithful to its trust, and measures which merit the highest applause, have a just claim to the public support.

The present epoch is momentous, and leads to observations which would not occur on ordinary occasions,

Our country is again involved in a sanguinary con-

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flict, the issue of which, in the estimation of the enemy, is to determine whether the republican system, adopted by the people, is imbecile and transient, or whether it has force and duration worthy of the enterprise. That it can never fail whilst they are true to their interest, is beyond doubt. And is it not equally so, that they will never desert the Government of their choice, or attach themselves to a foreign domination, from which, under the benign smiles of Divine Providence, they have lately, by their own valor, emancipated themselves? Can they need arguments to convince them, that, in proportion to the purity of Republican Governments, have ever been the reproaches and efforts for overthrowing them, by imperious Sovereigns who once ruled them?

"To divide and to conquer" have long been the objects of the enemy. He has presumed on his own arts, and on impotency in our system of Government; but, in both instances, he will be convinced of his error. The people and constituted authorities of the several States, those great pillars of our confederate system, numerous as they are, and inevitably discordant in some of their interests, have evinced, in various ways, a firm determination to support it. The interior frontier States, where the territorial war commenced and continues, assailed by innumerable difficulties, have surmounted them; and, by their unanimity and Spartan valor, are establishing for themselves immortal honor. Through the extensive wilds of our military operations, some of these, as in all wars, have been successful, and others unfortunate. But, to whatever causes the latter may be traced, they never can be imputed to those heroic officers or privates of the army or of the militia, who have bravely combatted the enemy; and of whom, some have been crowned with laurels, others have submitted to irresistible misfortunes, and many have nobly fallen, enshrined with glory. The Atlantic States have repelled, with magnanimity, maritime invasions; and have also given proofs of their patriotic ardor, by conquests on the ocean. Their enterprises and victories have been sources of national triumph and renown. Are not our officers and mariners, in naval combats, unrivalled by fame? Have they not presented infallible sureties for signalizing themselves on great occasions? How vain then is the hope of divisions or conquest? Does the enemy expect, by burning defenceless towns and villages, to promote his views? Such conduct may entail on the nation which sanctions it eternal infamy, but can never subdue the elevated souls of our brave fellow-citizens, or even depress the sublime minds of our innocent fair, the ornaments of our country, who, amidst the unmerited distresses inflicted on them and their tender offspring by a merciless foe, will soar above sympathy, and claim the just tribute of universal admiration and applause.

Whilst the Executive, in the full exercise of its authority, is left to test the sincerity of pacific overtures, it is a happy circumstance that the United States, at all times desirous of an honorable peace, and superintended by an officer whose capacious mind embraces, and whose patriotic fortitude will pursue, every interest of his country, thus meet with ardor an indispensable war. Is not their power a pledge that they can, and their sacred honor that they *will*, with intrepidity, maintain the conflict? They demand justice; and can they relinquish it without a surrender of their sovereignty?

Great Britain is in collision with her best customers, and once her commercial friends, who had viewed

peace as a mutual blessing; and who, by their moderation, had preserved it, until necessity has pointed to a different line of conduct. They had annually sent to her their productions and specie to a vast amount; had thus employed her mechanics, purchased her manufactures, extended her commerce, and become a great source of her national wealth. Hence, her zealous and persevering opposition to their commercial restraints, representing, in high strains, their great injury to this country; but preserving silence on a most important point, their destructive effects on her own manufactures and commerce.

The United States are now her enemy; and is it not easy to foresee, that, if the war should continue, the Canadas will be rendered independent of her; and, as friends or allies to the United States, will no longer be instrumental in exciting an unrelenting and savage warfare against our extensive and defenceless borders? To such inhuman acts, in former times, were the Canadians urged by France in her Albion wars; and by our colonial aid Great Britain obtained jurisdiction over them. *She* in turn has abused this power, and has justified the United States in their efforts to divest her of it. And is not their energy adequate to the object? Will not this be evident by a view of their effective National and State Governments? of the unconquered minds and formidable numbers of their citizens? of their martial spirit? of their innate attachment to their rights and liberties? and of their inflexible determination to preserve them? But, if any one still doubts, will he not recollect, that, at the commencement of our Revolutionary war, which terminated against her, the united colonies had not a third of their present population; nor arms or military stores for a single campaign; nor an efficient arrangement for warfare; nor specie in their treasuries; nor funds for emitting a paper currency; nor a national Government; nor (excepting two instances) State Governments? nor the knowledge either of military or of naval tactics? Will he not also remember that Great Britain was then in the zenith of her power; that neighboring nations trembled at her nod; that the colonies were under her control; that her Crown officers opposed every mean for resisting her; excited amongst the colonial Governments (over which they presided) unfounded jealousies of each other, and embarrassed every measure for their union; that she was loaded with less than a fifth of her present national debt; that she was then at peace with all the world; and that she is now at war with a greater part of Europe, as well as with the United States? If Great Britain herself reflects on these things, will she not relinquish her vain attempts to awe the citizens of the United States, by exaggerated statements of her military and naval power, or by delusive views of their unprepared state for a war, of the great expense of it, and of the difficulties they are to encounter in defence of *all* that is valuable to man? If, in lieu of fruitless artifices, she will make rational and equitable arrangements, which the Government of the United States have been always ready to meet, can there be a doubt that the two nations will be speedily restored to their wonted friendship and commerce?

Your fellow-citizen, with sensations which can more easily be conceived than expressed, perceives that there are in the Government many of his former friends and compatriots, with whom he has often co-operated in the perilous concerns of his country; and, with unfeigned pleasure, he will meet the other public func-

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tionaries, whose acknowledged abilities and public services in like manner claim his high consideration and respect. With a sacred regard to the rights of every Department and officer of Government, and with a respectful deference to their political principles and opinions, he has frankly declared his own; for, to have concealed them at a crisis like this, might have savored too much of a deficiency of candor.

And may that Omnipotent Being, who, with infinite wisdom and justice, superintends the destinies of nations, confirm the heroic patriotism which has glowed in the breasts of the national rulers, and convince the enemy that, whilst a disposition to peace, on equitable and honorable terms, will ever prevail in their public councils, one spirit, animated by the love of country, will inspire every Department of the National Government.

E. GERRY.

WASHINGTON, May 24, 1813.

On motion by Mr. ANDERSON, the Secretary was directed to notify the House of Representatives that a quorum of the Senate is assembled and ready to proceed to business.

A committee was appointed on the part of the Senate, jointly with such committee as may be appointed on the part of the House of Representatives, to wait on the President of the United States, and notify him that a quorum of the two Houses is assembled and ready to receive any communications he may be pleased to make to them.

Ordered, that the Secretary notify the House of Representatives accordingly.

On motion, by Mr. LEIB, a committee was appointed agreeably to the 42d rule for conducting business in the Senate; and Messrs LEIB, GILMAN, and DANA, were appointed the committee.

On motion, by Mr. HOWELL, a committee was appointed agreeably to the 22d rule for conducting business in the Senate; and Messrs. HOWELL, ROBINSON, and MORROW, were appointed the committee.

On motion, by Mr. CAMPBELL, the usual resolution was agreed to for supplying the Senators with newspapers.

The PRESIDENT communicated a letter from JAMES LLOYD, notifying the resignation of his seat in the Senate.

On motion of Mr. LEIB,

Resolved, That Mountjoy Bayly, Doorkeeper and Sergeant-at-Arms to the Senate, be, and he is hereby, authorized to employ one assistant and two horses, for the purpose of performing such services as are usually required by the Doorkeeper of the Senate; which expense shall be paid out of the contingent fund.

Mr. ANDERSON submitted the following motion:

Resolved, That two Chaplains, of different denominations, be appointed to Congress during the present session, one by each House, who shall interchange weekly.

A message from the House of Representatives informed the Senate that a quorum of the House of Representatives is assembled, and have elected HENRY CLAY, Esquire, one of the Representatives for the State of Kentucky, their Speaker, and are ready to proceed to business. They concur in the resolution of the Senate for the appointment

of a joint committee to wait on the President of the United States and notify him that a quorum of the two Houses is assembled and ready to receive any communications that he may be pleased to make to them; and have appointed a committee on their part.

TUESDAY, May 25.

Mr. ANDERSON reported, from the joint committee, that they had waited on the President of the United States, and that the President informed the committee that he would make a communication to the two Houses this day at twelve o'clock.

The Senate resumed the motion made yesterday for the appointment of Chaplains, and agreed thereto.

The PRESIDENT communicated the memorial of the Legislature of the Indiana Territory, praying the confirmation of titles to certain lands sold by the trustees of the University in said Territory; and the memorial was read.

PRESIDENT'S MESSAGE.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Fellow-citizens of the Senate
and of the House of Representatives:*

At an early day after the close of the last session of Congress, an offer was formally communicated from His Imperial Majesty the Emperor of Russia, of his mediation, as the common friend of the United States and Great Britain, for the purpose of facilitating a peace between them. The high character of the Emperor Alexander being a satisfactory pledge for the sincerity and impartiality of his offer, it was immediately accepted; and, as further proof of the disposition on the part of the United States to meet their adversary in honorable experiments for terminating the war, it was determined to avoid intermediate delays, incident to the distance of the parties, by a definitive provision for the contemplated negotiation. Three of our eminent citizens were accordingly commissioned, with the requisite powers to conclude a Treaty of Peace with persons clothed with like powers on the part of Great Britain. They are authorized also to enter into such conventional regulations of the commerce between the two countries, as may be mutually advantageous. The two Envoys who were in the United States at the time of their appointment, have proceeded to join their colleague already at St. Petersburg.

The Envoys have received another commission, authorizing them to conclude with Russia a Treaty of Commerce, with a view to strengthen the amicable relations and improve the beneficial intercourse between the two countries.

The issue of this friendly interposition of the Russian Emperor, and this pacific manifestation on the part of the United States, time only can decide. That the sentiments of Great Britain towards that Sovereign will have produced an acceptance of his offered mediation must be presumed. That no adequate motives exist to prefer a continuance of war with the United States, to the terms on which they are willing to close it, is certain. The British Cabinet also must be sensible that, with respect to the important question of impressment, on which the war so essentially turns, a search for, or seizure of, British persons or property

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on board neutral vessels on the high seas is not a belligerent right derived from the law of nations; and it is obvious that no visit or search, or use of force for any purpose, on board the vessels of one independent Power, on the high seas, can, in war or peace, be sanctioned by the laws or authority of another Power. It is equally obvious, that, for the purpose of preserving to each State its seafaring members, by excluding them from the vessels of the other, the mode heretofore proposed by the United States, and now enacted by them as an article of municipal policy, cannot for a moment be compared with the mode practised by Great Britain with a conviction of its title to preference; inasmuch, as the latter leaves the discrimination between the mariners of the two nations to officers exposed by unavoidable bias, as well as by a defect of evidence, to a wrong decision; under circumstances precluding, for the most part, the enforcement of controlling penalties, and where a wrong decision, besides the irreparable violation of the sacred rights of persons, might frustrate the plans and profits of entire voyages: whereas, the mode assumed by the United States, guards, with studied fairness and efficacy, against errors in such cases, and avoids the effect of casual errors on the safety of navigation, and the success of mercantile expeditions.

If the reasonableness of expectations, drawn from these considerations, could guaranty their fulfilment, a just peace would not be distant. But, it becomes the wisdom of the National Legislature to keep in mind the true policy, or rather the indispensable obligation, of adapting its measures to the supposition, that the only course to that happy event, is in the vigorous employment of the resources of war. And, painful as the reflection is, this duty is particularly enforced by the spirit and manner in which the war continues to be waged by the enemy, who, uninfluenced by the unvaried examples of humanity set them, are adding to the savage fury of it, on one frontier, a system of plunder, and conflagration on the other, equally forbidden by respect for national character, and by the established rules of civilized warfare.

As an encouragement to persevering and invigorated exertions to bring the contest to a happy result, I have the satisfaction of being able to appeal to the auspicious progress of our arms, both by land and on the water.

In continuation of the brilliant achievements of our infant Navy, a signal triumph has been gained by Captain Lawrence and his companions in the *Hornet* sloop of war, which destroyed a British sloop of war, with a celerity so unexampled, and with a slaughter of the enemy so disproportionate to the loss in the *Hornet*, as to claim for the conquerors the highest praise, and the full recompense provided by Congress in preceding cases. Our public ships of war in general, as well as the private armed vessels, have continued also their activity and success against the commerce of the enemy, and, by their vigilance and address, have greatly frustrated the efforts of the hostile squadrons distributed along our coasts, to intercept them in returning into port, and resuming their cruises.

The augmentation of our Naval force, as authorized at the last session of Congress, is in progress. On the Lakes our superiority is near at hand, where it is not already established.

The events of the campaign, so far as they are known to us, furnish matter of congratulation, and

show that, under a wise organization and efficient direction, the Army is destined to a glory not less brilliant than that which already encircles the Navy. The attack and capture of York is, in that quarter, a presage of future and greater victories; while, on the western frontier, the issue of the late siege of Fort Meigs leaves us nothing to regret but a single act of inconsiderate valor.

The provisions last made for filling the ranks, and enlarging the staff of the Army, have had the best effects. It will be for the consideration of Congress, whether other provisions, depending on their authority, may not still further improve the Military Establishment and the means of defence.

The sudden death of the distinguished citizen who represented the United States in France, without any special arrangements by him for such a contingency, has left us without the expected sequel to his last communications: nor has the French Government taken any measures for bringing the depending negotiations to a conclusion, through its representative in the United States. This failure adds to delays before so unreasonably spun out. A successor to our deceased Minister has been appointed, and is ready to proceed on his mission: the course which he will pursue in fulfilling it, is that prescribed by a steady regard to the true interests of the United States, which equally avoids an abandonment of their just demands, and a connexion of their fortunes with the systems of other Powers.

The receipts in the Treasury, from the 1st of October to the 31st day of March last, including the sums received on account of Treasury notes, and of the loans authorized by the acts of the last and preceding sessions of Congress, have amounted to fifteen millions four hundred and twelve thousand dollars. The expenditures during the same period amounted to fifteen millions nine hundred and twenty thousand dollars, and left in the Treasury, on the 1st of April, the sum of one million eight hundred and fifty-seven thousand dollars. The loan of sixteen millions of dollars, authorized by the act of the 8th of February last, has been contracted for. Of that sum more than a million of dollars had been paid into the Treasury, prior to the 1st of April, and formed a part of the receipts as above stated. The remainder of that loan, amounting to near fifteen millions of dollars, with the sum of five millions of dollars authorized to be issued in Treasury notes, and the estimated receipts from the customs and the sales of public lands, amounting to nine millions three hundred thousand dollars, and making in the whole twenty-nine millions three hundred thousand dollars to be received during the last nine months of the present year, will be necessary to meet the expenditures already authorized, and the engagements contracted in relation to the public debt. These engagements amount during that period to ten millions five hundred thousand dollars, which, with near one million for the civil, miscellaneous, and diplomatic expenses, both foreign and domestic, and seventeen millions eight hundred thousand dollars for the military and naval expenditures, including the ships of war building and to be built, will leave a sum in the Treasury at the end of the present year equal to that on the first of April last. A part of this sum may be considered as a resource for defraying any extraordinary expenses already authorized by law, beyond the sums above estimated; and a further resource for any emergency may be found in the sum of one million of

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dollars, the loan of which to the United States has been authorized by the State of Pennsylvania, but which has not yet been brought into effect.

This view of our finances, whilst it shows that due provision has been made for the expenses of the current year, shows, at the same time, by the limited amount of the actual revenue, and the dependence on loans, the necessity of providing more adequately for the future supplies of the Treasury. This can be best done by a well digested system of internal revenue, in aid of existing sources; which will have the effect, both of abridging the amount of necessary loans, and on that account, as well as by placing the public credit on a more satisfactory basis, of improving the terms on which loans may be obtained. The loan of sixteen millions was not contracted for at a less interest than about seven and a half per cent., and, although other causes may have had an agency, it cannot be doubted, that, with the advantage of a more extended and less precarious revenue, a lower rate of interest might have sufficed. A longer postponement of this advantage could not fail to have a still greater influence on future loans.

In recommending to the National Legislature this resort to additional taxes, I feel great satisfaction in the assurance, that our constituents, who have already displayed so much zeal and firmness in the cause of their country, will cheerfully give any other proof of their patriotism which it calls for. Happily, no people, with local and transitory exceptions, never to be wholly avoided, are more able than the people of the United States to spare for the public wants a portion of their private means, whether regard be had to the ordinary profits of industry, or the ordinary price of subsistence in our country, compared with those in any other. And in no case could stronger reasons be felt for yielding the requisite contributions. By rendering the public resources certain, and commensurate to the public exigencies, the constituted authorities will be able to prosecute the war the more rapidly to its proper issue; every hostile hope, founded on a calculated failure of our resources, will be cut off; and by adding to the evidence of bravery and skill, in combats on the ocean and the land, an alacrity in supplying the treasure necessary to give them their fullest effect, and demonstrating to the world the public energy which our political institutions combine, with the personal liberty distinguishing them, the best security will be provided against future enterprises on the rights or the peace of the nation.

The contest in which the United States are engaged, appeals for its support to every motive that can animate an uncorrupted and enlightened people; to the love of country; to the pride of liberty; to an emulation of the glorious founders of their independence, by a successful vindication of its violated attributes; to the gratitude and sympathy which demand security from the most degrading wrongs of a class of citizens, who have proved themselves so worthy the protection of their country, by their heroic zeal in its defence; and, finally, to the sacred obligation of transmitting entire, to future generations, that precious patrimony of national rights and independence which is held in trust by the present, from the goodness of Divine Providence.

Being aware of the inconveniences to which a protracted session, at this season, would be liable, I limit the present communication to objects of primary importance. In special messages which may ensue, regard will be had to the same consideration.

JAMES MADISON.

WASHINGTON, May 25, 1813.

The message was read, and five hundred copies ordered to be printed for the use of the Senate.

WEDNESDAY, May 26.

The PRESIDENT communicated a report of the Secretary for the Department of War, comprehending statements of all the treaties held with the Indian tribes, respectively, since the 4th of March, 1789, relative to the purchase of lands, the amount of purchases and annuities, with the amount in goods and money expended in carrying such treaties into effect, made conformably to a resolution of the Senate, of the 30th December, 1812; and the report was read.

On motion, by Mr. LEIB,

Resolved, That a committee of three members be appointed, who, with the three members of the House of Representatives, to be appointed by the said House, shall have the direction of the money appropriated to the purchase of books and maps, for the use of the two Houses of Congress.

Ordered, That Messrs. LEIB, STONE, and TAIT, be the committee on the part of the Senate.

Mr. CAMPBELL submitted the following motions for consideration:

Resolved, That so much of the Message of the President of the United States as concerns our relations with foreign Powers, and the Military Establishment of the United States, be referred to a select committee, with leave to report thereon by bill or otherwise.

Resolved, That so much of the Message of the President of the United States as relates to the Naval Establishment of the United States, be referred to a select committee, with leave to report thereon by bill or otherwise.

THURSDAY, May 27.

ORADIAH GERMAN, from the State of New York, and SAMUEL SMITH, from the State of Maryland, severally took their seats in the Senate.

ROBERT HENRY GOLDSBOROUGH, appointed a Senator by the Legislature of the State of Maryland, for the term of six years, commencing on the fourth day of March last, produced his credentials, was qualified, and took his seat in the Senate.

A message from the House of Representatives informed the Senate that the House concur in the resolution of the Senate, of the 25th instant, for the appointment of Chaplains, and have appointed the Reverend JESSE LEE Chaplain on their part.

Whereupon, the Senate proceeded to the appointment of a Chaplain on their part; and, on the ballots being counted, it appeared that the Reverend JOHN BRECKENRIDGE had a majority, and was elected.

The first motion made yesterday for a committee, was resumed; and on motion, was amended and agreed to, as follows:

Resolved, That so much of the Message of the President of the United States as concerns our relations with foreign Powers, be referred to a select committee, to consist of seven members, to consider and report thereon, by bill or otherwise.

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Ordered, That Messrs. CAMPBELL, TAYLOR, CHASE, SMITH, VARNUM, BROWN, and DANA, be the committee.

The Senate resumed the motion made yesterday for the appointment of a committee on so much of the Message of the President of the United States as relates to the Naval Establishment, and agreed thereto; and Messrs. SMITH, GAILLARD, GILMAN, HOWELL, and CUTTS, were appointed the committee.

On motion, by Mr. ANDERSON,

Resolved, That so much of the Message of the President of the United States as relates to the Military Establishment thereof, be referred to a select committee, to consist of five members, with leave to report by bill or otherwise.

Ordered, That Messrs. ANDERSON, VARNUM, SMITH, LEIB, and HUNTER, be the committee.

FRIDAY, May 28.

RICHARD BRENT, from the State of Virginia, and JOHN CONDUCT, from the State of New Jersey, severally took their seats in the Senate.

CHRISTOPHER GORE, appointed a Senator by the Executive of the Commonwealth of Massachusetts, in place of JAMES LLOYD, resigned; and RUFUS KING, appointed a Senator by the Legislature of the State of New York, for the term of six years, commencing with the fourth day of March last, severally produced their credentials, were qualified, and they took their seats in the Senate.

The PRESIDENT communicated a report from the Secretary for the Department of State, made agreeably to a resolution of the Senate, of the 24th February last, requesting him to give information of the collectors of the customs who have not made regular returns of registered seamen; and the report was read.

MONDAY, May 31.

Mr. GERMAN presented the petition of Alexander Phœnix, of the city of New York, an insolvent debtor, imprisoned at the suit of the United States, praying to be discharged; and the petition was read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. GERMAN, DANA, and KING, were appointed the committee.

Mr. LACOCK presented the memorial of sundry inhabitants of the city of New York, natives of the United Kingdom of Great Britain and Ireland, praying to be admitted to the rights of citizens, for reasons stated in their memorial, the omission of certain forms of application, required by law, notwithstanding; and the memorial was read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. LACOCK, KING, and VARNUM, were appointed the committee.

Mr. SMITH gave notice, that to-morrow he should ask leave to bring in a bill to amend the militia laws of the United States.

Mr. CAMPBELL presented the petition of the President and Directors of the Farmers' Bank of

Alexandria, praying an extension of their charter, for reasons stated in the petition; which was read.

The PRESIDENT communicated a letter from the Commissioner of the General Land Office, with a copy of the reports of the commissioners appointed under the act of 20th February, 1812, for the revision of claims to land in the district of Kaskaskia; which were read.

TUESDAY, June 1.

Mr. SMITH asked and obtained leave to bring in a bill to amend the act, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes; and the bill was twice read by unanimous consent, and referred to a select committee, to consist of five members, to consider and report thereon; and Messrs. SMITH, WORTHINGTON, VARNUM, TAYLOR, and DANA, were appointed the committee.

Mr. GERMAN, from the committee to whom the subject was referred, reported a bill for the relief of Alexander Phœnix; and the bill was read, and passed to a second reading.

The PRESIDENT communicated a letter from the Commissioner of the General Land Office, with a copy of a letter from the register of the land office at Kaskaskia, and of three statements made by him, of claims to land in that district; which were read.

Mr. BRENT gave notice that to-morrow he should ask leave to bring in a bill to provide for the accommodation of the President of the United States.

WEDNESDAY, June 2.

The bill for the relief of Alexander Phœnix was read the second time, and considered as in Committee of the Whole; and, no amendment having been offered, the bill was ordered to be engrossed and read a third time.

Mr. HUNTER presented the petition of Thomas Sim Lee, and others, citizens of Georgetown, in the District of Columbia, proprietors of the property contained in "Deakins, Lee, and Casanave's addition to Georgetown," stating that considerable inconvenience and obstruction result to them in their improvements, from the present plan or plat thereof; and praying relief; and the petition was read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. HUNTER, BRENT, and DANA, were appointed the committee.

Mr. BRENT presented the petition of Charles Minifie, praying interest may be allowed him on the balance of an account awarded in his favor by the Comptroller of the Treasury, agreeably to the act of the 1st of May, 1812; and the petition was read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. BRENT, LEIB, and DANA, were appointed the committee.

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Mr. LACOCK, from the committee to whom the subject was referred, reported a bill supplementary to the acts heretofore passed on the subject of an uniform rule of naturalization; and the bill was read, and passed to the second reading.

THURSDAY, June 3.

The bill supplementary to the acts heretofore passed on the subject of an uniform rule of naturalization, was read the second time, and made the order of the day for to-morrow.

The PRESIDENT communicated a report signed "William Jones, acting Secretary of the Treasury," prepared in obedience to the act supplementary to the act, entitled "An act to establish the Treasury Department;" which was read.

Mr. TAIT gave notice that, to-morrow, he should ask leave to bring in a bill to alter the times of holding the circuit courts for the sixth circuit of the United States.

Mr. SMITH, from the committee to whom was referred the bill to amend the act, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes," reported it amended.

The bill for the relief of Alexander Phoenix was reported by the committee correctly engrossed.

FRIDAY, June 4.

The credentials of CHRISTOPHER GORE, appointed a Senator by the Legislature of the Commonwealth of Massachusetts, in place of James Lloyd, resigned, were read.

The Senate resumed, as in Committee of the Whole, the consideration of the bill supplementary to the acts heretofore passed on the subject of an uniform rule of naturalization; and, the bill having been amended, the PRESIDENT reported it to the House accordingly, and the bill was ordered to be engrossed and read a third time as amended.

Mr. MORROW presented the petition of Thomas Sloo, of Cincinnati, in the State of Ohio, late a commissioner for examining and inquiring into the validity of claims to land in the district of Kaskaskia, praying additional compensation for services rendered, as therein stated; and the petition was read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. MORROW, WORTHINGTON, and TAIT, were appointed the committee.

On motion, by Mr. MORROW,

Ordered, That the letter of the Commissioner of the General Land Office, of the 31st of May, with a copy of the reports of the commissioners appointed under the act of 20th February, 1812, for the revision of certain claims to land in the district of Kaskaskia; and, also, the letter of the Register of the Land Office at Kaskaskia, communicated the 1st instant, be referred to the committee last mentioned, to consider and report thereon.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to amend the act, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes," together with the amendments reported by the select committee; and, having agreed to the amendments reported, the further consideration of the bill was postponed until Monday next.

The engrossed bill for the relief of Alexander Phoenix was read the third time, and passed.

Mr. BRENT asked and obtained leave to bring in a bill to provide for the accommodation of the President of the United States; and the bill was read, and passed to the second reading.

Mr. TAIT asked and obtained leave to bring in a bill to alter the times of holding the circuit courts for the sixth circuit of the United States; and the bill was read, and passed to the second reading.

Mr. HUNTER, from the committee to whom was referred the petition of Thomas Sim Lee, and others reported a bill concerning certain streets in Georgetown; and the bill was read, and passed to the second reading.

Mr. BRENT presented the petition of the President and Directors of the Bank of Washington, praying that the stockholders may be permitted to increase their capital by an additional subscription, for reasons therein stated; and the petition was read and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. BRENT, DANA, and TAYLOR, were appointed the committee.

Mr. DANA gave notice that, on Monday, he should ask leave to bring in a bill for the government of persons in certain fisheries.

MONDAY, June 7.

WILLIAM B. GILES, from the State of Virginia, who arrived the 5th instant, took his seat in the Senate.

The PRESIDENT communicated the credentials of WILLIAM H. WELLS, appointed a Senator by the Legislature of the State of Delaware, in place of James A. Bayard, resigned; which were read.

The PRESIDENT communicated the resolves of the general assembly of the Presbyterian church, convened at Philadelphia, recommending the first Thursday of August next, as a day of humiliation, fasting, and prayer; which were read.

Mr. SMITH presented the memorials of Stephen Girard, and others, praying the liberation of certain vessels, with their cargoes, of the manufactures of England, which have been seized for an alleged violation of the non-importation law, for reasons stated at large in the memorials; which were read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. SMITH, TAYLOR, and GORE, were appointed the committee.

Mr. GILES presented the petition of Joshua Barney, on behalf of himself and the owners, officers, and crews, of sundry private armed ves-

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sels of war, stating, that, although they have been very successful in capturing and destroying the commerce of the enemy, they have received but little benefit from their enterprises, in consequence of the double duty imposed on such captures, and the claim of the United States set up to certain prizes made by them of enemy's property, sailing under the flag of the United States; and praying relief; and the petition was read, and referred to a select committee, to consider and report thereon, by bill or otherwise; and Messrs. GILES, BULLOCK, and KING, were appointed the committee.

The bill supplementary to the acts heretofore passed on the subject of an uniform rule of naturalization, having been reported by the committee correctly engrossed, was read a third time, and passed.

On motion, by Mr. BRENT, the memorial of the President and Directors of the Farmers' Bank of Alexandria, praying an extension of their charter, was referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. BRENT, STONE, and CHACE, were appointed the committee.

Mr. MORROW, from the committee to whom the subject was referred, reported a bill for the relief of Thomas Sloo; and the bill was read, and passed to the second reading.

Mr. DANA asked and obtained leave to bring in a bill for the government of persons in certain fisheries; and the bill was read, and passed to the second reading.

The bill for the accommodation of the President of the United States was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. BRENT, HORSEY, and GAILLARD, were appointed the committee.

The bill to alter the times of holding the circuit courts for the sixth circuit of the United States was read the second time.

The bill concerning certain streets in Georgetown was read the second time, and considered as in Committee of the Whole; and, no amendment having been proposed, the bill was ordered to be engrossed and read a third time.

The following Message was received from the PRESIDENT OF THE UNITED STATES:
To the Senate and House of

Representatives of the United States:

I lay before Congress copies of certain Legislative acts of Pennsylvania, transmitted for that purpose by the Governor of that State.

JAMES MADISON.

WASHINGTON, June 5, 1813.

The Message and acts therein referred to were read.

The PRESIDENT communicated a letter from the Secretary for the Department of War, accompanied with a code of rules and regulations for the Army of the United States, prepared in obedience to the injunction of the act, entitled "An act for the better organization of the general staff of the Army of the United States," passed on the 3d day of March, 1813, which were read.

Mr. BRENT presented the petition of J. B. Nickolls, on behalf of himself and one hundred and one other petitioners, praying an act may pass to incorporate a company under the title and firm of the Fire Insurance Company of Alexandria; and the petition was read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. BRENT, HORSEY, and HUNTER, were appointed the committee.

TUESDAY, JUNE 8.

ELIGIUS FROMENTIN, appointed a Senator by the Legislature of the State of Louisiana, for the term of six years, commencing with the fourth day of March last, produced his credentials, was qualified, and took his seat in the Senate.

The PRESIDENT communicated a letter from the Governor of the State of Connecticut, enclosing a copy of the resolution passed by the Legislature of that State, that they do not agree to ratify and confirm an amendment proposed by Congress to the Constitution of the United States, relative to titles of nobility; and the letter and resolution were read.

The bill for the relief of Thomas Sloo was read the second time, and considered as in Committee of the Whole; and, no amendments having been proposed, the bill was ordered to be engrossed and read a third time.

The bill for the government of persons in certain fisheries was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. DANA, GORE, and GILMAN, were appointed the committee.

On motion, by Mr. TAYLOR, the bill to alter the times of holding the circuit court for the sixth circuit of the United States was referred to a select committee, to consider and report thereon; and Messrs. TAYLOR, and BULLOCK, were appointed the committee.

Mr. BRENT, from the committee to whom was referred the bill for the accommodation of the President of the United States, reported it without amendment.

The bill concerning certain streets in Georgetown, having been reported by the committee correctly engrossed, was read the third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to amend the act, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes," together with the amendments.

On motion, by Mr. WORTHINGTON, the amendments were recommitting; Messrs. SMITH, WORTHINGTON, TAYLOR, VARNUM, and DANA, were appointed the committee, further to consider and report thereon.

WEDNESDAY, June 9.

The bill for the relief of Thomas Sloo, having been reported by the committee correctly en-

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grossed, was read a third time, the blank filled with "five hundred;" and the bill passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the accommodation of the President of the United States; and, no amendment having been proposed, the bill was ordered to be engrossed and read a third time.

Mr. DANA, from the committee to whom was referred the bill for the government of persons in certain fisheries, reported it without amendment, and the bill was considered as in Committee of the Whole; and, no amendment having been proposed, the bill was ordered to be engrossed and read a third time.

Mr. MORROW gave notice, that at an early day he should ask leave to bring in a bill for extending the time for issuing and locating military land warrants.

THURSDAY, June 10.

WILLIAM H. WELLS, from the State of Delaware, attended, was qualified, and took his seat.

Mr. MORROW asked and obtained leave to bring in a bill further extending the time for issuing and locating military land warrants; and the bill was read, and passed to the second reading.

The bill for the government of persons in certain fisheries, having been reported by the committee correctly engrossed, was read the third time, and passed.

The bill for the accommodation of the President of the United States, having been reported by the committee correctly engrossed, was read a third time, and the title amended.

Resolved, That this bill pass, and that the title thereof be "An act to provide for the accommodation of the household of the President of the United States."

Mr. TAYLOR presented the petition of Daniel Macaulay, of the city of Charleston, in the State of South Carolina, praying to be exonerated from the bonds given for goods imported from England in the ships Anna and Thomas Gibson, which were seized for an alleged violation of the non-importation law, for reasons stated at large in the petition; which was read.

FRIDAY, June 11.

The bill further extending the time for issuing and locating military land warrants was read the second time, and referred to Messrs. MORROW, WORTHINGTON, and TAIT, the committee to whom was referred, on the 4th instant, the letters of the Commissioner of the General Land Office, and the reports therein enclosed, to consider and report thereon.

On motion, by Mr. HORSEY, the Message of the President of the United States of the 5th, communicated the 7th instant, together with the Legislative acts of Pennsylvania, accompanying the same, were referred to a select committee, to consist of five members to consider and report thereon by bill or otherwise; and Messrs. HOR-

SEY, LEIB, SMITH, GOLDSBOROUGH, and KING, were appointed the committee.

MONDAY, June 14.

Mr. MORROW, from the committee to whom was referred the bill further extending the time for issuing and locating military land warrants, reported it without amendment; and the bill was considered as in Committee of the Whole; and, no amendment having been proposed, the bill was ordered to be engrossed and read a third time.

Mr. BRENT, from the committee to whom was referred the petition of J. B. Nickolls, and others, reported a bill to incorporate a company in the town of Alexandria, in the District of Columbia; and the bill was read, and passed to the second reading.

Mr. BRENT, from the committee to whom the subject was referred, reported a bill to continue the charter of the Farmers' Bank of Alexandria; and the bill was read, and passed to the second reading.

Mr. BRENT, from the committee to whom the subject was referred, reported a bill for the further relief of Charles Minifie; and the bill was read, and passed to the second reading.

Mr. SMITH presented the memorial of John Gooding, and Hollins and McBlair, of the city of Baltimore, stating that they had freighted a vessel to an agent of the United States, to carry provisions to the inhabitants of Venezuela, which, on her arrival, was condemned by a Court of Admiralty on the sole ground of having brought supplies from the United States, as is stated at large by your memorialists, who pray compensation; and the memorial was read, and referred to a select committee to consider and report thereon by bill or otherwise; and Messrs. GOLDSBOROUGH, HORSEY, and CAMPBELL, were appointed the committee.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to incorporate a company for making a certain turnpike road in the county of Alexandria;" also, a bill, entitled "An act to incorporate a company for making a certain turnpike road in the county of Washington, in the District of Columbia;" in which bills they request the concurrence of the Senate.

The two bills last mentioned were read, and passed to the second reading.

TUESDAY, June 15.

The PRESIDENT communicated a letter from the Governor of the State of New Hampshire, stating that the Legislature of that State had elected JEREMIAH MASON a Senator, for the term of six years, commencing with the fourth day of March last; and the letter was read.

The bill to incorporate a Fire Insurance Company in the town of Alexandria, in the District of Columbia, was read the second time, and considered as in Committee of the Whole; and, on motion, by Mr. SMITH, it was recommitted to a

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select committee, to consist of five members, further to consider and report thereon; and Messrs. BRENT, DAGGETT, HORSEY, SMITH, and HUNTER, were appointed the committee.

WEDNESDAY, JUNE 16.

The bill further extending the time for issuing and locating military land warrants, having been reported by the committee correctly engrossed, was read a third time, and passed.

The bill for the further relief of Charles Minifie was read the second time, and considered as in Committee of the Whole; and the further consideration thereof postponed until to-morrow.

The bill, entitled "An act to incorporate a company for making a certain turnpike road in the county of Washington, in the District of Columbia;" also, the bill, entitled "An act to incorporate a company for making a certain turnpike road in the county of Alexandria," were severally read the second time, and referred to a select committee to consider and report thereon; and Messrs. BRENT, HORSEY, and ROBINSON, were appointed the committee.

Mr. KING presented the memorial of the Common Council of the city of New York, praying measures may be adopted by the General Government for their greater security and protection; and the memorial was read, and referred to the committee appointed on the 27th of May, on so much of the Message of the President of the United States as relates to the Military Establishment thereof.

The Senate proceeded to consider the amendments of the House of Representatives to the bill last mentioned, and concurred therein.

MEMORIAL OF ARMY OFFICERS.

The PRESIDENT communicated the memorial of sundry officers attached to the Army under the command of Major General William H. Harrison, representing that, in appointments and promotions recently made in the Army, injustice has been done to officers now in service, and praying the attention of the Senate to certain cases in which they feel the usages of armies, and their individual rights, have been violated; and the memorial was read. It is as follows:

To the honorable the Senate of the United States:

The officers undersigned (now in the service of the United States, and attached to the Army under the command of Major General William H. Harrison) respectfully represent:

Having observed several appointments and promotions recently made in the Army, and particularly in the corps to which we severally belong, and feeling that in some of them injustice has been done officers now in service, we owe it to ourselves, as well as the service in which we are engaged, to make known to your honorable body the wrongs complained of; you alone possessing the corrective power.

Our distance from the seat of Government prevents an immediate knowledge of new arrangements, made in the War Department, but we have seen no public document authorizing (as we conceive) some of the recent appointments and promotions from that De-

partment. If, in the promotions and new appointments in the Army, the age of an officer's commission, and the duration of service are to be wholly disregarded, few men would enter the Army except from necessity—a crisis, we presume, wished for by none who has the good of his country at heart.

We are unwilling to believe that your honorable body would sanction a course so destructive to the necessary excitements of a soldier, and so chilling to his laudable ambition; nor would we have troubled you with this address, had we not feared that, in the crowd of momentous matter which might occupy your attention at the present session of Congress, it might escape your consideration, that, in some of the appointments recently made, private citizens have been made captains over the heads of subaltern officers, who have been long in service; nor is it less worthy your attention, that, in many instances, subalterns have been promoted over the heads of superior officers—over officers, too, who, from experience, as well as services rendered their country in the field of battle, have at least some claim to the ordinary and just patronage of their Government.

We are well aware that, in armies, the usages of nations sanction extraordinary and honorable notice of even private soldiers, where extraordinary and honorable deeds authorize it, and we would be the last to complain at the elevation of a brother soldier, or even a private citizen, under similar circumstances.

It is unnecessary, we conceive, to call your attention to the individual promotions and appointments by which we feel the usages of armies, and our individual rights, violated; they must necessarily be laid before you for approval.

In thus obtruding ourselves before the Senate of the United States, we trust it will be seen that we are actuated by no other motive than that which should pervade the breast of every soldier, and that the matter and manner of address evince the greatest respect and deference, both to your honorable body and that of the War Department.

WILLIAM BRADFORD,

Capt. 17th Regt. U. S. Infantry.

DAVID HOLT,

Capt. 17th U. S. Infantry.

JAMES HACKLEY,

Lieut. 17th U. S. Infantry.

THOMAS HAWKINS,

Ensign 17th U. S. Infantry.

BENJAMIN W. SANDERS,

Lieut. 17th U. S. Infantry.

EDWARD SHIPP,

Ensign 17th U. S. Infantry.

WILSON ELLIOT,

Capt. 19th Regt. U. S. Infantry.

HENRY FREDERICKS,

2d Lieut. U. S. Infantry.

STEPHEN LEE,

Lieut. 19th Regt. U. S. Infantry.

GEORGE W. JACKSON,

Lieut. 19th Regt. U. S. Infantry.

JAMES CAMPBELL,

1st Lieut. 19th Regt. U. S. Infantry.

JOHN STOCKTON,

Ensign 19th Regt. U. S. Infantry.

DAVID GUYNNE,

1st Lt. 19th Regt. U. S. Infantry.

CHARLES MITCHELL,

Ensign 19th Regt. U. S. Infantry.

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A message from the House of Representatives informed the Senate that they have passed the bill which originated in the Senate, entitled "An act for the relief of Alexander Phoenix," with amendments, in which they request the concurrence of the Senate.

Mr. KING presented the petition of James Jay, praying Congress to take into consideration his memorial, presented at the last session, and grant him remuneration for services rendered during the Revolutionary war, and for moneys advanced, as therein stated; and the petition was read, and referred to a select committee to consider and report thereon by bill or otherwise; and Messrs. KING, DANA, and LEIB, were appointed the committee.

THURSDAY, June 17.

The bill to continue the charter of the Farmers' Bank of Alexandria was resumed as in Committee of the Whole; and, on motion, by Mr. LEIB, the further consideration thereof was postponed to the first Monday in December next.

On motion, by Mr. ROBINSON, William Gamble had leave to withdraw his memorial, and papers accompanying the same, presented at the last session of Congress.

FRIDAY, June 18.

The Senate resumed, as in Committee of the Whole, the bill for the further relief of Charles Minifie.

On motion, by Mr. ANDERSON, it was agreed that the further consideration thereof be postponed to, and made the order of the day for, Monday next.

On motion, by Mr. DANA,

Resolved, that a committee be appointed to inquire what Legislative provision is necessary to prevent multiplicity of suits or processes, where a single suit or process might suffice for the administration of justice in any cause to which the United States may be party, or before any court of the United States, and that the committee have leave to report by bill or otherwise.

Ordered, That Messrs. DANA, BULLOCK, HUNTER, STONE, and BLENSOE, be the committee.

Mr. SMITH, from the committee to whom was recommitment the bill to amend the act, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes," reported it with amendments.

On motion, by Mr. HORSEY,

Resolved, That the Secretary of the Senate cause to be printed for the use of the Senate, three hundred copies of the statement marked B, exhibiting the amount of duties upon domestic distilled spirits, and on stills, upon sales at auction, refined sugar, carriages, and upon licenses to retailers, and upon stamped vellum, parchment, and paper, which accrued from the 1st of January, 1800, to the 31st of December following, as contained in the report of the Secretary of the Treas-

ury, bearing date the 21st day of December, A. D. 1801, and made in pursuance of a resolution of the House of Representatives, passed on the 6th day of January, 1797; also a like number of copies of the report of the Secretary of the Treasury, dated the 27th of December, A. D. 1809, transmitting a statement of the payments which have been made by the respective States of the direct tax, &c., in obedience to a resolution of the Senate of the 18th day of December, A. D. 1809; and, also, a like number of copies of the statement exhibiting the balances due the United States on account of the internal revenue and direct tax, which accompanied the letter of the Comptroller of the Treasury of the 10th of December last.

MONDAY, June 21.

JEREMIAH MASON, appointed a Senator by the Legislature of the State of New Hampshire, for the term of six years, commencing with the fourth day of March last, produced his credentials, was qualified, and he took his seat in the Senate.

Mr. GORE presented the memorial of George Ulmer, Colonel of the United States Volunteers, commanding on the eastern frontier of Massachusetts, representing that two companies were raised in the towns of Calais and Robinstown, and were in the service of the United States, and praying provision may be made for their compensation; and the memorial was read, and referred to the committee appointed the 27th of May, on so much of the Message of the President of the United States as relates to the Military Establishment thereof, to consider and report thereon.

Mr. DAGGETT presented the petition of Samuel Olcott, of Hartford, in the state of Connecticut, owner of the schooner Peggy, stating, that, in the year 1811, he sent said vessel to Barbadoes with a cargo; that, in consequence of a stress of weather she was much injured, and the greatest part of her cargo lost; that in order to defray the expenses of the necessary repairs, her water casks, which had served for ballast, were sold; that, after several attempts, it was found impracticable to pursue her voyage without ballast; and that a quantity of salt was taken on board at Turk's Island for that purpose, and brought to the United States, by which a penalty has been incurred; and praying relief; and the memorial was read.

Ordered, That Mr. GORE be on the committee appointed on the 27th of May, on so much of the Message of the President of the United States as relates to the Naval Establishment, in place of Mr. CUTTS absent.

The Senate resumed, as in Committee of the Whole, the bill for the relief of Charles Minifie; and, no amendment having been proposed, on the question, Shall this bill be engrossed and read a third time? it was determined in the negative.

The Senate resumed, as in Committee of the Whole, the bill to amend the act, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force

for those purposes," together with the amendments reported thereto by the select committee, which were agreed to with amendments; and the President reported the bill to the House amended accordingly, and it was ordered to be engrossed and read a third time as amended.

On motion, by Mr. LEIB, a committee was appointed to inquire into the expediency of making an appropriation for repairing the north wing of the Capitol and finishing the Senate Chamber, and that the committee have leave to report by bill or otherwise; and Messrs. LEIB, HORSEY, and GAILLARD, were appointed the committee.

Mr. BRENT, from the committee to whom the subject was referred, reported a bill to augment the capital stock of the Bank of Washington; and the bill was read, and passed to the second reading.

TUESDAY, June 22.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to reward the officers and crew of the sloop of war *Hornet*; in which bill they request the concurrence of the Senate.

The bill last brought up for concurrence was read, and passed to the second reading.

The bill to amend the act, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes," having been reported by the committee correctly engrossed, was read a third time, and the blank filled with the words "five hundred thousand."

Resolved, That this bill pass, and that the title thereof be "An act to amend the act, entitled 'An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasion, and to repeal the act now in force for those purposes.'"

Mr. TARR, from the committee to whom was referred the bill to alter the times of holding the circuit courts for the sixth circuit of the United States, reported it without amendment; and, on his motion, the further consideration thereof was postponed to the first Monday in December next.

Mr. KING presented the petition of Thomas Hall Storm, of the city of New York, stating, that, on the 25th of April, 1811, he was deputed *Chargé d'Affaires* of the United States to reside at Tripoli, but was not recognised by the Bashaw; in the prosecution of the business he incurred considerable expense, and praying remuneration therefor, and that he may be allowed the usual salary for his services; and the petition was read, and referred to the Secretary for the Department of State, to consider and report thereon.

On motion, by Mr. TAYLOR, the petition of Daniel Macaulay, presented the 10th instant, was referred to the committee appointed on the 27th of May, on so much of the Message of the President of the United States as concerns our relations with foreign Powers, to consider and report thereon by bill or otherwise.

Mr. ANDERSON, from the committee appointed on the 27th of May, on so much of the Message of the President of the United States as relates to the Military Establishment, reported a bill for the relief of the infirm, disabled, and superannuated officers and soldiers of the late and of the present Army of the United States; and the bill was read, and passed to the second reading.

The bill to augment the capital stock of the Bank of Washington, was read the second time.

Mr. GILES presented the petition of Alexander Scott, praying compensation for his trouble in the release and conveyance of certain American seamen from Porto Cavallo, in South America, to the United States, as is stated at large in the petition; which was read, and referred to a select committee, to consider and report thereon, by bill or otherwise; and Messrs. GILES, HUNTER, and SMITH, were appointed the committee.

The PRESIDENT communicated a letter from the Commissioner of the General Land Office, with the reports of the Commissioners appointed to investigate claims to land in the western district of Orleans Territory, now State of Louisiana, made in pursuance of the act of Congress, entitled "An act respecting claims to land in the Territories of Orleans and Louisiana," passed on the 3d of March 1807; which were read.

Mr. CHACE gave notice that, to-morrow, he should ask leave to bring in a bill altering the time and place for holding the circuit and district courts in Vermont.

WEDNESDAY, June 23.

Mr. SMITH reported from the committee to whom was referred the memorial of Stephen Girard and others, and the report was read.

Mr. GILES reported from the committee to whom was referred the petition of Joshua Barney, in behalf of himself, and the owners, officers, and crews, of sundry private armed vessels; and the report was read.

Mr. ANDERSON, from the committee appointed on the 27th of May, on so much of the Message of the President of the United States as relates to the Military Establishment, reported a bill to amend the act in addition to the act, entitled "An act to raise an additional military force, and for other purposes;" and the bill was read, and passed to the second reading.

The bill for the relief of the infirm, disabled, and superannuated officers and soldiers of the late and present Army of the United States, was read the second time, and the further consideration thereof postponed to, and made the order of the day for, to-morrow.

The bill, entitled "An act to reward the officers and crew of the sloop of war *Hornet*," was read the second time, and referred to the committee appointed on the 27th of May, on so much of the Message of the President of the United States as relates to the Naval Establishment, to consider and report thereon.

Mr. GILES, from the committee to whom the subject was referred, reported a bill for the relief

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of Alexander Scott; and the bill was read, and passed to the second reading.

The Senate resumed, as in Committee of the Whole, the bill to augment the capital stock of the Bank of Washington, and, on motion by Mr. LEIB, that the consideration thereof be postponed to the first Monday in December next, the President determined the question in the negative; and on motion, by Mr. GILES, the further consideration thereof was postponed to Monday next.

Mr. CHACE asked and obtained leave to bring in a bill altering the time and place for holding the circuit and district courts in Vermont; and the bill was read, and passed to the second reading.

THURSDAY, June 24.

Mr. ANDERSON, from the committee appointed the 27th May, on so much of the Message of the President of the United States as relates to the Military Establishment, reported a bill to authorize the raising a corps of sea fencibles; and the bill was read, and passed to the second reading.

The bill to amend the act in addition to the act, entitled "An act to raise an additional military force, and for other purposes," was read the second time;

The bill for the relief of Alexander Scott was read the second time;

The bill altering the time and place for holding the circuit and district courts in Vermont was read the second time; and on motion, by Mr. CHACE,

Resolved, That they be referred to a select committee to consider and report thereon.

Ordered, That Messrs. CHACE, KING, and DAGGETT, be the committee.

Mr. BRENT, from the committee to whom was referred the bill to incorporate a Fire Insurance Company in the town of Alexandria, in the District of Columbia, reported it with amendments.

PETITION OF STEPHEN GIRARD.

The following report, made on the petition of Stephen Girard and others, was taken up and agreed to:

The Committee to whom was referred the memorial of Stephen Girard and others, report:

That the memorialists, respectively, were owners of the ships Good Friends, the United States, and the Amazon, with their respective cargoes.

That, in the fall of the year 1811, the memorialists, being apprehensive that a war would break out between the United States and Great Britain, sent the ships and cargoes to Amelia island, as a place of safety; with an intention, eventually, to bring them to the United States, if the non-importation law should be repealed, or the sanction of Government should be obtained, so as to render the importation lawful.

That while the ships and cargoes lay in the port of Fernandina, General Mathews, acting in the name, and on behalf of the United States, took possession of Amelia island, and established a local government there.

That the agents of the memorialists represented to General Mathews the increased danger to which the ships and cargoes were exposed in consequence of the revolution at Amelia island; and General Mathews,

impressed with the justice of the representation, as well as with an apprehension that the continuance of so much valuable property there would invite hostilities, granted a license to proceed with the ships and cargoes to the port of Philadelphia, under bonds to place them in the custody of the collector of the port, subject to the orders of the Government.

That the ships and cargoes on their way to Philadelphia, under the authority of the license, were intercepted and seized in the district of Delaware, in April, 1812, and libelled on the ground of a violation of the non-importation law.

That, soon after the seizure, the ships and cargoes were restored to their respective owners, upon bonds for the appraised value, to abide the final adjudication of the prosecution which had been instituted. And the cargoes were sold in the months of April and May, 1812.

That the memorialists, upon receiving the cargoes, made the regular entries at the custom-house, and secured, by bonds, the payment of the duties which were payable according to law, at the time of entry.

That, upon examination, it appears that, in some cases, the Secretary of the Treasury, under the act of March, 1797, and Congress, by special acts, have remitted forfeitures, upon condition that the respective owners should pay the rate of duties imposed by the act of the 1st of July, 1812, although the importations were made prior to that day. But it is understood that, in all such cases, the cargoes remained unsold until the act of the 1st of July commenced its operation; and, of course, the double duties were charged in the price to the purchasers.

Upon this view of the circumstances of the case, the committee submit the following resolution for consideration:

Resolved, That a committee be appointed to bring in a bill for the relief of Stephen Girard, and others, the owners, respectively, of the ships called the Good Friends, the United States, and the Amazon, and their cargoes, upon condition that they respectively pay to the collector of the port of Philadelphia, for the use of the United States, in addition to the duties by them heretofore respectively secured and paid upon the said cargoes, a sum which shall be sufficient to make the whole amount paid equal to the amount of duties that would have been chargeable if the cargoes had been imported and entered subsequent to the 1st of July, 1812.

Messrs. GORE, SMITH, and TAYLOR, were appointed a committee in pursuance of the above report.

FRIDAY, June 25.

Mr. VARNUM presented the petition of Thomas Denny, of Leicester, in the Commonwealth of Massachusetts, concerned in a manufactory of wool cards, and praying to be discharged from the payment of certain bonds which he has given on the importation of a quantity of iron wire from Montreal, and from payment of the duties imposed thereon, for reasons stated at large in the petition, which was read, and referred to the committee appointed yesterday to bring in a bill for the relief of Stephen Girard, and others, to consider and report thereon by bill or otherwise.

The bill for the relief of the infirm, disabled,

and superannuated officers and soldiers of the late and present army of the United States, having been reported by the committee correctly engrossed, was read a third time, and passed.

The bill to authorize the raising a corps of sea fencibles was read the second time and considered as in Committee of the Whole; and, no amendment having been offered to the bill, it was ordered to be engrossed and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to amend the act, entitled "An act to raise an additional military force, and for other purposes;" and the bill having been amended, the President reported it to the House accordingly, and it was ordered to be engrossed and read a third time as amended.

The Senate resumed the consideration of the report of the select committee on the petition of Joshua Barney, and others, which is as follows:

"That the object of the petition is to obtain, in favor of himself and others, the relinquishment of the claims of the United States to certain descriptions of enemy's property, captured and brought into the ports of the United States by certain private armed vessels. That the claims of the United States and the petitioner depend upon the provisions of existing laws, and present fair questions for judicial cognizance; these questions are in fact now depending before the proper judicial tribunals, with whose proceedings and decisions the committee deems it inexpedient at this time to interfere, and therefore recommends that the further consideration of the petition be postponed till the first Monday in December next."

And, on the question to agree thereto? it was determined in the negative—yeas 14, nays 17, as follows:

YEAS—Messrs. Bullock, Campbell, Daggett, German, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Leib, Mason, and Wells.

NAYS—Messrs. Anderson, Bledsoe, Brown, Chace, Condict, Fromentin, Gaillard, Giles, Howell, Lacock, Morrow, Robinson, Stone, Tait, Taylor, Turner, and Varnum.

On motion, by Mr. TAYLOR, the petition was committed to a select committee, further to consider and report thereon by bill or otherwise; and Messrs. GILES, TAYLOR, and ANDERSON, were appointed the committee.

The bill for the relief of Alexander Scott was resumed, as in Committee of the Whole; and, no amendment having been proposed, it was ordered to be engrossed and read a third time.

MONDAY, June 28.

GEORGE M. BIRB, from the State of Kentucky attended.

The bill to authorize the raising a corps of sea fencibles, having been reported by the committee correctly engrossed, was read a third time, and passed.

The bill to amend the act in addition to the act, entitled "An act to raise an additional military force, and for other purposes," having been reported by the committee correctly engrossed, was read a third time, and passed.

The bill for the relief of Alexander Scott, having been reported by the committee correctly engrossed, was read a third time, and passed.

Mr. GILES, from the committee to whom was recommitted the petition of Joshua Barney, and others, reported a bill to relinquish the claims of the United States to certain goods, wares, and merchandise, captured by private armed vessels; and the bill was read, and passed to the second reading.

Mr. GORE, from the committee to whom the subject was referred, reported a bill for the relief of Thomas Denny; and the bill was read, and passed to a second reading.

Mr. GORE, also, from the same committee, reported a bill for the relief of the owners of the ships the Good Friends, the Amazon, and the United States, and their cargoes; and the bill was read, and passed to the second reading.

Mr. SMITH, from the committee on so much of the Message of the President of the United States as relates to the Naval Establishment, reported a bill authorizing the President of the United States to cause to be built barges for the defence of the ports and harbors of the United States; and the bill was read, and passed to the second reading.

Mr. CAMPBELL, from the committee on so much of the Message of the President of the United States as respects our foreign relations, reported a bill to prohibit the citizens and inhabitants of the United States from carrying on any trade or traffic with the dominions or dependencies of the United Kingdom of Great Britain and Ireland; and the bill was read, and passed to the second reading. The bill is as follows:

A bill to prohibit the citizens and inhabitants of the United States from carrying on any trade or traffic with the dominions or dependencies of the United Kingdoms of Great Britain and Ireland.

Be it enacted, &c., That any citizen or inhabitant of the United States or the Territories thereof, who shall, during the war in which the said United States are at present engaged, either directly or indirectly carry on any trade, commerce, or traffic, in any articles whatever, with any of the dominions, colonies, or dependencies of the United Kingdom of Great Britain and Ireland, or with any person or persons residing within the same; and any citizen or inhabitant as aforesaid, who shall directly or indirectly be privy to, or aiding or abetting in carrying on any such trade, commerce or traffic, shall be adjudged guilty of a misdemeanor, and shall upon conviction for every such offence be imprisoned for a term not exceeding two years, nor less than six months, and be fined in a sum not exceeding five thousand, nor less than five hundred dollars; and any ship, vessel, or carriage, of what kind soever, employed or used in any such trade, commerce, or traffic, as above described, and any cargo which shall be found on board of such ship or vessel, and any articles which shall be found in such carriage, when detected or taken in such unlawful trade, commerce, or traffic, or at the return of the same to the United States, shall be forfeited, the one-half to the use of the United States, and the other half to any person or persons who shall give information thereof, and may be seized wherever found, and condemned before any court of the United States or the Territories thereof, having

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competent jurisdiction: *Provided*, That nothing in this act contained shall be so construed as to repeal, impair, or affect any law now in force providing for the punishment of treason or of any other offence against the United States.

Mr. CAMPBELL also reported a bill for the relief of Daniel Macaulay; and the bill was read, and passed to the second reading.

The PRESIDENT communicated a letter from E. H. Cummins, requesting permission to report the proceedings of the Senate, and that a convenient and suitable place in the Senate Chamber be assigned him; and the letter was read.

Mr. GORE presented the remonstrance of the Legislature of the Commonwealth of Massachusetts, declaring their opinion on the alleged causes of the existing war, and the pretences for its continuance; that it was improper, impolitic, and unjust; and stating the grounds on which they rest that opinion.

Further declaring their opinion on the admission of new States formed from lands beyond the territorial limits of the United States, and that many of the measures of the Government have been contrary to the expectations they formed in acceding to the Constitution; that these measures have nearly annihilated their commerce, and have imposed on them unequal burdens, while they have deprived Massachusetts of her proportional weight in the Union; and praying that our invading armies may be forthwith recalled within our own territories, and that every effort may be speedily directed to the attainment of peace; and the remonstrance was read.

Mr. VARNUM presented the protest of the committee chosen by the minority of the Senators and Representatives of the Commonwealth of Massachusetts, against the foregoing remonstrance of the Legislature; and declaring it as their opinion that the war is just and necessary, and their entire approbation of the measures of the General Government complained of, and the protest was read.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act freeing from postage all letters and packets to and from the Superintendent General of Military Supplies," in which they request the concurrence of the Senate.

The bill last mentioned was read.

TUESDAY, June 29.

Mr. SMITH, from the committee to whom was referred the bill, entitled "An act to reward the officers and crew of the sloop of war *Hornet*," reported it with amendments; which, on motion, were considered as in Committee of the Whole, and agreed to; and the President reported the bill to the House accordingly, and it was ordered to be read a third time as amended.

The bill authorizing the President of the United States to cause to be built barges for the defence of the ports and harbors of the United States, was read the second time; and, on motion, considered

as in Committee of the Whole, and an amendment was adopted; and the President reported the bill to the House accordingly; and on the question, Shall this bill be engrossed and read a third time as amended? it was determined in the affirmative.

The bill for the relief of the owners of the ships called the *Good Friends*, the *Amazon*, and the *United States*, and their cargoes, was read the second time.

The bill to prohibit the citizens and inhabitants of the United States from carrying on any trade or traffic with the dominions or dependencies of the United Kingdom of Great Britain and Ireland, was read the second time and considered as in Committee of the Whole; and, no amendment having been proposed, the bill was ordered to be engrossed and read the third time.

The bill for the relief of Daniel Macaulay was read the second time.

The bill for the relief of Thomas Denny was read the second time.

Mr. CAMPBELL, from the committee appointed on so much of the message of the President of the United States as concerns our foreign relations, reported a bill to prohibit the use of licenses or passes granted by the authority of the Government of the United Kingdom of Great Britain and Ireland; and the bill was read, and passed to the second reading.

The bill to relinquish the claims of the United States to certain goods, wares, and merchandise captured by private armed vessels, was read the second time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to incorporate a Fire Insurance Company in the town of Alexandria, in the District of Columbia, together with the amendments reported thereto by the select committee; and, having agreed to the amendments, and further amended the bill, the President reported it to the House accordingly, and it was ordered to be engrossed and read a third time as amended.

The PRESIDENT communicated a report of the Secretary for the Department of State, on the petition of Thomas Hall Storm, of the city of New York, to whom it was referred on the 22d inst.; and the report was read.

WEDNESDAY, June 30.

The amendments to the bill, entitled "An act to reward the officers and crew of the sloop of war *Hornet*," having been reported by the committee correctly engrossed, the bill was read the third time as amended, and the title was amended.

Resolved, That this bill pass with amendments.

The bill authorizing the President of the United States to cause to be built barges for the defence of the ports and harbors of the United States, having been reported by the committee correctly engrossed, was read a third time, and passed.

The bill to prohibit the citizens and inhabitants of the United States from carrying on any trade or traffic with the dominions or dependencies of

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the United Kingdom of Great Britain and Ireland, having been reported by the committee correctly engrossed, was read a third time, and passed.

Mr. GORE presented the memorial of the Religious Society of Friends in New England, met in their annual assembly at Rhode Island, praying Congress to reconsider the effects and consequences of the war, and to adopt every necessary measure for the restoration of peace; and the memorial was read.

The bill to incorporate a Fire Insurance Company in the town of Alexandria, in the District of Columbia, having been reported by the committee correctly engrossed, was read a third time, and passed.

The bill to prohibit the use of licenses or passes granted by the authority of the Government of the United Kingdom of Great Britain and Ireland, was read the second time.

The Senate resumed, as in Committee of the Whole, the bill for the relief of Thomas Denny; and, no amendment having been proposed, it was ordered to be engrossed and read a third time.

The bill for the relief of Daniel Macaulay was resumed, as in Committee of the Whole; and, after debate, on motion, by Mr. TAYLOR, it was agreed that the further consideration thereof be postponed until to-morrow.

The Senate resumed, as in Committee of the Whole, the bill to relinquish the claims of the United States to certain goods, wares, and merchandise, captured by private armed vessels; and, after debate, the Senate adjourned.

THURSDAY, July 1.

The bill for the relief of Thomas Denny was reported by the committee correctly engrossed.

Mr. GERMAN presented the petition of Richard Ward, of the town of New Rochelle, in the State of New York, stating that he hath obtained, at a very great expense, a machine for weaving stockings and stockinets of all descriptions, called the Nottingham warp loom; and, inasmuch as he is not the original inventor of the said machine, and therefore cannot avail himself of the privileges given by the patent laws, he prays a reimbursement of his expenses in obtaining, and a reward for the use of said loom; and the petition was read.

Mr. GERMAN also presented the petition of Eliza J. Winter, of the town of Peru, and State of New York, praying a remuneration for property forcibly taken for the use of the army of the United States, as is set forth at large in the petition; which was read, and referred to a select committee, to consider and report thereon by bill or otherwise, and Messrs. GERMAN, DANA, and GORE, were appointed the committee.

Mr. ANDERSON, from the committee to whom was referred the petition of George Ulmer, reported that the petition be referred to the Secretary for the Department of War, to consider and report thereon; and the report was adopted.

The Senate resumed, as in Committee of the Whole the bill to relinquish the claims of the

United States to certain goods, wares, and merchandise, captured by private armed vessels; and, the bill having been amended, the President reported it to the Senate accordingly.

On the question, Shall this bill be engrossed and read a third time? it was determined in the affirmative—yeas 17, nays 15, as follows:

YEAS—Messrs. Anderson, Bibb, Bledsoe, Chace, Condict, Fromentin, Gaillard, Giles, Howell, Lacock, Morrow, Robinson, Stone, Tait, Taylor, Turner, and Varnum.

NAYS—Messrs. Bullock, Daggett, Dana, German, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Leib, Mason, Wells, and Worthington.

FRIDAY, July 2.

Mr. ANDERSON, from the committee to whom was referred so much of the Message of the President of the United States as relates to the Military Establishment, reported, in part, a bill providing for the further defence of the ports and harbors of the United States; and the bill was read, and passed to the second reading.

[This bill provides: that the President be and he is hereby authorized, whenever the same shall be deemed necessary for the defence and security of any of the ports and harbors of the United States, to cause to be hired or purchased, hulks or other means of impediment to the entrance of the ships or vessels of the enemy, to be sunk with the consent of the proper authority of the State in which such port or harbor may be, and the same to be removed whenever, in his opinion, it may be done with safety to such ports or harbors.]

Mr. ANDERSON, from the same committee, to whom was referred the memorial of the Common Council of the city of New York, also reported, in part, that the memorial be referred to the Secretary for the Department of War, to consider and report thereon; and the report was adopted.

The bill to relinquish the claims of the United States to certain goods, wares, and merchandise, captured by private armed vessels, was reported by the committee correctly engrossed; and, on motion, by Mr. Horsey, that the further consideration thereof be postponed to the first Monday in December next, it was determined in the negative—yeas 15, nays 18, as follows:

YEAS—Messrs. Bullock, Campbell, Daggett, Dana, German, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Mason, Wells, and Worthington.

NAYS—Messrs. Anderson, Bibb, Bledsoe, Brent, Brown, Chace, Condict, Fromentin, Gaillard, Giles, Howell, Lacock, Morrow, Robinson, Stone, Tait, Turner, and Varnum.

And, on motion, by Mr. BULLOCK, the bill was amended by unanimous consent, and thereafter was read a third time, and passed.

On motion, by Mr. GERMAN, the petition of Richard Ward, presented yesterday, was referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. GERMAN, VARNUM, and BLEDSOE, were appointed the committee.

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Mr. BRENT, from the committee to whom was referred the bill, entitled "An act to incorporate a company for making a certain turnpike road in the county of Alexandria," reported it with amendments.

He also, from the same committee, to whom was referred the bill, entitled "An act to incorporate a company for making a certain turnpike road in the county of Washington, in the District of Columbia," reported it with amendments.

Mr. ROBINSON gave notice that to-morrow he should ask leave to bring in a bill for the relief of Thomas Hall Storm.

Mr. WORTHINGTON gave notice that to-morrow he should ask leave to bring in a bill authorizing the payment for wagons and teams captured or destroyed by the enemy at Detroit.

The engrossed bill for the relief of Thomas Denny, was read a third time, and passed.

A message from the House of Representatives informed the Senate that they have passed the bill, entitled "An act to amend the act in addition to the act, entitled 'An act to raise an additional military force, and for other purposes,' with an amendment, in which they ask the concurrence of the Senate.

The Senate took into consideration the amendment of the House of Representatives to the bill last mentioned, and concurred therein.

Mr. LACOCK presented the petition of the President and Directors of the Pennsylvania Academy of Fine Arts, stating that, previous to the declaration of the existing war between this country and Great Britain, a large box, containing some valuable paintings and engravings which belong to the Academy, were shipped in Italy, but on their passage were captured by a British vessel of war and carried into Halifax; that, on application to Admiral Sawyer and the Court of Admiralty at Halifax, the said box, with its contents, were restored, and have since, by permission of the Secretary of State, been shipped on board a cartel vessel, and have arrived at Boston; and praying that a remission of the duties payable on said paintings may be granted; and the petition was read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. LACOCK, BLEDSOE, and BIBB, were appointed the committee.

SATURDAY, July 3.

Mr. WORTHINGTON asked and obtained leave to bring in a bill authorizing the payment for wagons and teams captured or destroyed by the enemy at Detroit; and the bill was read, and passed to the second reading.

Mr. LEIB, from the committee appointed on the subject, reported a bill making an appropriation for finishing the Senate Chamber, and repairing the roof of the north wing of the Capitol; and the bill was read, and passed to the second reading.

The bill providing for the further defence of the ports and harbors of the United States was read the second time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to incorporate a company for making a certain turnpike road in the county of Alexandria," together with the amendments reported thereto by the select committee; and, having agreed to the amendments, the President reported the bill to the House accordingly, and it was ordered to be read a third time as amended.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to incorporate a company for making a certain turnpike road in the county of Washington, in the District of Columbia," together with the amendments reported thereto by the select committee; and, having agreed to the amendments, the President reported the bill to the House accordingly, and it was ordered to be read a third time as amended.

A message from the House of Representatives informed the Senate that they have passed a bill, entitled "An act for the assessment and collection of a direct tax and internal duties;" also, a bill, entitled "An act to establish the town of Mobile a port of entry;" in which bills they request the concurrence of the Senate.

The two bills last mentioned were read, and passed to the second reading.

MONDAY, July 5.

The amendments to the bill, entitled "An act to incorporate a company for making a certain turnpike road in the county of Alexandria;" also, the amendments to the bill, entitled "An act to incorporate a company for making a certain turnpike road in the county of Washington, in the District of Columbia," were reported by the committee correctly engrossed.

Mr. ROBINSON asked and obtained leave to bring in a bill for the relief of Thomas Hall Storm; and the bill was read, and passed to the second reading.

TUESDAY, July 6.

A message from the House of Representatives informed the Senate that the House have passed a resolution appointing a committee on their part to join such committee as the Senate may appoint, to consider and report what business will demand the attention of Congress prior to an adjournment, and also when such such adjournment may probably take place.

They have passed the bill, entitled "An act laying duties on licenses to distillers of spirituous liquors; in which resolution and bill they request the concurrence of the Senate.

The resolution and bill last mentioned were read, and passed to the second reading.

Mr. FROMENTIN gave notice that to-morrow he should ask leave to bring in a bill establishing a district court in the Mississippi Territory.

Mr. GERMAN, from the committee to whom the subject was referred, reported a bill for the relief of Elisha J. Winter; and the bill was read and passed to the second reading.

The bill, entitled "An act for the assessment and collection of a direct tax and internal duties," was read the second time, and referred to a select committee, to consist of five members to consider and report thereon; and Messrs. KING, WORTHINGTON, GILES, SMITH, and BULLOCK, were appointed the committee.

The bill, entitled "An act to establish the town of Mobile a port of entry," was read the second time.

The bill authorizing the payment for wagons and teams captured and destroyed by the enemy at Detroit, was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. WORTHINGTON, BIBB, and BLEDSOE, were appointed the committee.

The bill, entitled "An act freeing from postage all letters and packets to and from the Superintendent General of Military Supplies," was read the second time.

The bill making an appropriation for finishing the Senate Chamber, and repairing the roof of the north wing of the Capitol, was read the second time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to augment the capital stock of the Bank of Washington; and, after debate, on motion, by Mr. WELLS, the further consideration thereof was postponed to the first Monday in December next.

The bill, entitled "An act to incorporate a company for making a certain turnpike road in the county of Alexandria," was read a third time as amended, and passed.

The bill, entitled "An act to incorporate a company for making a certain turnpike road in the county of Washington, in the District of Columbia," was read a third time as amended, and passed.

Mr. LACOCK, from the committee to whom the subject was referred, reported a bill for the remission of certain duties to the Pennsylvania Academy of the Fine Arts; and the bill was read, and passed to the second reading.

Mr. KING, from the committee to whom was referred the petition of James Jay, made a report; which was read.

WEDNESDAY, July 7.

The PRESIDENT communicated the petition of J. A. P. Pontington; which was read.

Mr. DANA, from the committee to whom the subject was referred, reported a bill concerning suits and costs in courts of the United States; and the bill was read, and passed to the second reading.

The Senate resumed the consideration of the joint resolution brought up yesterday on the subject of an adjournment; which was twice read by unanimous consent, and concurred in; and Messrs. VARNUM, LEIB, and CAMPBELL, were appointed the committee on their part.

Mr. WORTHINGTON, from the committee to whom was referred the bill authorizing the payment for wagons and teams captured and destroyed

by the enemy at Detroit, reported it without amendment.

The bill, entitled "An act laying duties on licenses to distillers of spirituous liquors," was read the second time, and referred to the committee to whom was referred the bill for the assessment and collection of a direct tax and internal duties, to consider and report thereon.

The bill for the relief of Elisha J. Winter was read the second time.

The bill for the remission of certain duties to the Pennsylvania Academy of the Fine Arts was read the second time.

The Senate resumed the consideration of the report of the committee on the petition of James Jay, which is as follows:

"That, during the war of the Revolution, James Jay, upon his return from England, where he had been distinguished by his medical talents, became a creditor of the United States for a considerable sum of money; that, owing to the delays on the part of the Government, and the absence of Mr. Jay, in attending upon General WASHINGTON, (to whom, as appears by the General's letter, he imparted a plan of secret correspondence, which proved to be of great importance in the course of the war,) the money due and afterwards paid to Mr. Jay was much depreciated. In consideration of these circumstances, which distinguish the case of Mr. Jay, the committee submit to the consideration of the Senate, that leave be given to bring in a bill to authorize the officers of the Treasury to examine the claim of Mr. Jay, and to allow him such balance, together with interest, as may be equitably due to him."

And, on the question to give leave to bring in a bill accordingly, it was determined in the negative.

Mr. KING, from the committee to whom was referred the bill, entitled "An act for the assessment and collection of a direct tax and internal duties," reported it with amendments.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of the owners of the ships called the Good Friends, the Amazon, and the United States, and their cargoes; and, the bill having been amended, the President reported it to the House accordingly; and it was ordered to be engrossed, and read a third time as amended.

The Senate resumed the second reading of the bill, entitled "An act freeing from postage all letters and packets to and from the Superintendent General of Military Supplies;" and it passed to the third reading.

The bill to prohibit the use of licenses or passes granted under the authority of the Government of the United Kingdom of Great Britain and Ireland was resumed; and, on motion by Mr. CAMPBELL, it was agreed that it be the order of the day for to-morrow.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the further defence of the ports and harbors of the United States; and, no amendment having been proposed, it was ordered to be engrossed, and read a third time.

The Senate resumed, as in Committee of the

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Whole, the consideration of the bill making an appropriation for finishing the Senate Chamber, and repairing the roof of the north wing of the Capitol; and, no amendment having been proposed, it was ordered to be engrossed, and read a third time?

The bill for the relief of Thomas Hall Storm was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. ROBINSON, KING, and VARNUM, were appointed the committee.

On motion of Mr. FROMENTIN, the bill, entitled "An act to establish the town of Mobile a port of entry," was referred to a select committee, to consider and report thereon; and Messrs. FROMENTIN, BROWN, and BLEDSOE, were appointed the committee.

Mr. FROMENTIN asked and obtained leave to bring in a bill establishing a district court in the Mississippi Territory; and the bill was read, and passed to the second reading.

Mr. GERMAN, from the committee to whom the subject was referred, reported a bill for the benefit of Richard Ward; and the bill was read, and ordered to the second reading.

THURSDAY, July 8.

The bill concerning suits and costs in courts of the United States was read the second time.

The bill establishing a district court in the Mississippi Territory was read the second time.

The bill for the benefit of Richard Hall Storm was read the second time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to prohibit the use of licenses, or passes, granted by the authority of the Government of the United Kingdom of Great Britain and Ireland; and, after debate, on motion of Mr. KING, it was recommitted to the original committee, further to consider and report thereon.

The bill for the relief of the owners of the ships called the Good Friends, the Amazon, and the United States, and their cargoes, was reported by the committee correctly engrossed, and read a third time.

On motion, by Mr. DANA, that the bill be re-committed, it was determined in the negative—yeas 6, nays 25, as follows:

YEAS—Messrs. Dana, Gaillard, German, Horsey, Hunter, and Wells.

NAYS—Messrs. Bibb, Bledsoe, Brent, Brown, Bullock, Condict, Daggett, Fromentin, Giles, Gilman, Goldsborough, Gore, Howell, Lacock, Lambert, Leib, Mason, Morrow, Smith, Stone, Tait, Taylor, Turner, Varnum, and Worthington.

On the question, Shall this bill pass? it was determined in the affirmative.

So it was *Resolved*, That this bill pass, and that the title thereof be "An act for the relief of the owners of the ships called the Good Friends, the Amazon, and the United States, and their cargoes."

The bill making an appropriation for finishing the Senate Chamber, and repairing the roof of

the north wing of the Capitol, was reported by the committee correctly engrossed, and read a third time, and the blank filled with "nine thousand five hundred dollars."

Resolved, That this bill pass, and that the title thereof be "An act making an appropriation for finishing the Senate Chamber, and repairing the roof of the north wing of the Capitol."

The bill providing for the further defence of the ports and harbors of the United States, was reported by the committee correctly engrossed, and read a third time, and the blank filled with "\$250,000."

Resolved, That this bill pass, and that the title thereof be "An act providing for the further defence of the ports and harbors of the United States."

The bill, entitled "An act freeing from postage all letters and packets to and from the Superintendent General of Military Supplies," was read a third time, and passed.

FRIDAY, July 9.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to lay and collect a direct tax within the United States;" a bill, entitled "An act laying duties on sales at auction of merchandise; and of ships and vessels;" a bill, entitled "An act laying duties on sugar refined within the United States;" also a bill, entitled "An act to establish the office of Commissioner of the Revenue;" in which bills they request the concurrence of the Senate.

The four bills last mentioned were read, and passed to the second reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the assessment and collection of a direct tax and internal duties;" together with the amendments reported thereto by the select committee; and, having agreed to the amendments, the further consideration of the bill was postponed until to-morrow.

Mr. FROMENTIN, from the committee to whom was referred the bill, entitled "An act to establish the town of Mobile a port of entry," reported it with an amendment.

Mr. VARNUM, from the joint committee, appointed on the part of the Senate, to consider and report the business requisite to be acted on during the present session, made a report in part; which was read.

SATURDAY, July 10.

Mr. DAGGETT presented the petition of Theodore Barrell and Nathaniel Gilbert, of Norwich, in the district of Connecticut, praying to be discharged from penalties incurred for an alleged violation of the non-importation law, for reasons stated at large in the petition; which was read.

The four bills brought up yesterday for concurrence were severally read the second time, and referred to the committee who have under

consideration the bill, entitled "An act for the assessment and collection of direct taxes and internal duties," to consider and report thereon.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act, laying duties on carriages for the conveyance of persons," in which they request the concurrence of the Senate.

The bill last mentioned was read, and passed to the second reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the assessment and collection of direct taxes and internal duties;" and the bill having been further amended, the PRESIDENT reported it to the House accordingly, and it was ordered to be read a third time as amended.

Mr. CAMPBELL, from the committee to whom was referred the bill, entitled "An act to prohibit the use of licenses, or passes, granted by the authority of the Government of the United Kingdom of Great Britain and Ireland," reported it with amendments.

MONDAY, July 12.

Mr. GOLDSBOROUGH reported from the committee to whom was referred the memorial of John Gooding and others; and the report was read.

The bill, entitled "An act laying duties on carriages for the conveyance of persons," was read the second time, and referred to the committee, appointed the 6th instant, on the bill, entitled "An act for the assessment and collection of direct taxes and internal duties," to consider and report thereon.

The amendments to the bill, entitled "An act for the assessment and collection of direct taxes and internal duties," were reported by the committee correctly engrossed; and the bill was read the third time as amended.

On motion, by Mr. MASON, that the bill be re-committed for further amendment, it was determined in the negative—yeas 13, nays 21, as follows:

YEAS—Messrs. Chace, Daggett, Dana, German, Gilman, Goldsborough, Gore, Horsey, Hunter, Lambert, Leib, Mason, and Robinson.

NAYS—Messrs. Anderson, Bibb, Bledsoe, Brent, Bullock, Campbell, Condict, Fromentin, Gaillard, Giles, Howell, King, Lacock, Morrow, Stone, Tait, Taylor, Turner, Varnum, Wells, and Worthington.

On the question, Shall this bill pass as amended? it was determined in the affirmative—yeas 27, nays 8, as follows:

YEAS—Messrs. Anderson, Bibb, Bledsoe, Brent, Brown, Bullock, Campbell, Chace, Condict, Fromentin, Gaillard, German, Giles, Gore, Howell, King, Lacock, Leib, Morrow, Robinson, Stone, Tait, Taylor, Turner, Varnum, Wells, and Worthington.

NAYS—Messrs. Daggett, Dana, Gilman, Goldsborough, Horsey, Hunter, Lambert, and Mason.

Resolved, That this bill pass with amendments.

The Senate resumed, as in Committee of the Whole, the consideration of the bill authorizing the payment for wagons and teams captured by

the enemy at Detroit. And, no amendment having been proposed, the bill was ordered to be engrossed, and read a third time.

On motion, by Mr. TAYLOR, the further consideration of the bill for the relief of Daniel Macaulay, was postponed to the first Monday in December next.

A message from the House of Representatives informed the Senate that the House have passed the bill, entitled "An act for the relief of Alexander Scott," with an amendment, in which they request the concurrence of the Senate. They have passed a bill, entitled "An act for the relief of Edwin T. Satterwhite;" a bill, entitled "An act to provide for the widows and orphans of militia slain, and for militia disabled in the service of the United States;" also, a bill, entitled "An act to continue in force, for a limited time, certain acts authorizing corps of rangers, for the protection of the frontier of the United States, and making appropriations for the same;" in which bills they request the concurrence of the Senate.

The three bills last brought up for concurrence were read, and passed to the second reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to establish the town of Mobile a port of entry," together with the amendment reported thereto by the select committee; and the amendment having been adopted, the PRESIDENT reported it accordingly; and the bill was ordered to be read a third time as amended.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to prohibit the use of licenses or passes granted by the authority of the Government of the United Kingdom of Great Britain and Ireland, together with the amendments reported thereto by the select committee; and having agreed, in part, to the amendments reported, on motion, the further consideration of the bill was postponed.

Mr. KING, from the committee to whom was referred the bill, entitled "An act to establish the office of Commissioner of the Revenue," reported it with an amendment.

He also reported amendments to the bill, entitled "An act laying duties on sales at auction of merchandise, and of ships and vessels;" also, to the bill, entitled "An act laying duties on licenses to distillers of spirituous liquors."

The bill authorizing the payment for wagons and teams captured and destroyed by the enemy at Detroit; also, the amendments to the bill, entitled "An act to establish the town of Mobile a port of entry;" were reported by the committee correctly engrossed.

CHESAPEAKE AND DELAWARE CANAL.

Mr. HORSEY, from the committee to whom were referred the Message of the President of the United States, of the 5th ultimo, together with the act therein communicated, made the following report:

That, on the 5th of March last, the General Assembly of the State of Pennsylvania passed an act authorizing the Governor of that Commonwealth to subscribe,

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in behalf of the same, three hundred and seventy-five shares in the Chesapeake and Delaware Canal Company, if the United States shall subscribe seven hundred and fifty shares, the State of Maryland two hundred and fifty shares, and the State of Delaware one hundred shares, in the same company. That the utility and importance of a navigable canal over the isthmus which separates the bays of Chesapeake and Delaware, is so well understood, and so universally admitted, your committee have deemed it unnecessary to say anything in addition to what already appears in the various reports and communications hitherto made to Congress on this subject. The cause which suspended the operations of the company, the extent and nature of the canal, the progress and state of the work, the annual saving to the community, the probable revenue of the canal, and the expenses of the whole work, are so ably stated and estimated in the report of the Secretary of the Treasury on the subject of public roads and canals, of the 2d of March, A. D. 1807, that your committee have taken the liberty to introduce here that part of the said report which relates to this particular subject.

“III. Delaware and Chesapeake Canal.

“A company incorporated by the States of Delaware and Maryland for opening this canal has commenced its operations, now suspended for want of funds.

“The canal will commence at Welsh point, on Elk river—an arm of the Chesapeake—and terminate at a distance of twenty-two miles on Christiana creek, a branch of the Delaware. At low water, the depth of water in Christiana is nine feet, and in Elk twelve feet, within one hundred feet from the shore. The tide rises four feet in both rivers. The canal might, without increasing the distance, be conducted to Newcastle, on the Delaware itself, instead of ending at Christiana creek.

“The highest intermediate ground over which the canal will be carried, on a level of thirteen miles in length, is seventy-four feet above tide-water, the descent being effected by nine locks on each side. The digging is generally easy; no expensive aqueducts or bridges, nor any other obstacle, but those which have already been overcome in digging the feeder through a very rocky soil.

“The supply of water drawn from Elk river, by a feeder six miles in length, (already completed, which is itself a boat canal three and a half feet deep, united by a lock of ten feet lift with the main canal,) is calculated to fill daily one hundred and forty-four locks—a quantity sufficient, on an average, for the daily passage of twenty-four vessels. A reservoir covering thirty, and which may be increased to one hundred and fifty acres, will supply occasional deficiencies. Other reservoirs may be added; and Christiana and White Clay creeks may hereafter be brought in aid of Elk river, if the supply should prove too scanty for an increased navigation.

“The canal (twenty-six feet wide at the bottom, and fifty at the top, on the water line, being dug at the depth of eighty feet) is intended for vessels forty to seventy tons, drawing seven and a half feet water; but the banks (twenty feet wide for towing-paths, and one of which may be converted into a turnpike road) being raised three feet above the level of the water, will, by increasing the height of the lock-gates one foot, admit a depth of nine feet of water in the canal, at which depth it would perhaps be eligible to dig at once. The locks (eighty feet long, eighteen feet wide, and eight

or nine feet deep over the gate-sills, containing each eleven thousand five hundred to thirteen thousand cubic feet of water, and with a lift of eight to nine feet each) will be constructed of hewn stone, laid in tarras. Those dimensions, both of the canal and locks, recommended by Mr. Latrobe, the engineer of the canal, may be adopted in all the other canals for sea-vessels on this line of communication.

“The present annual carriage across the peninsula, which would be drawn through the canal, is estimated at forty-two thousand tons, exclusive of passengers. This will be greatly increased by the facility which the canal itself will afford to the commercial intercourse between the two bays, and to the conveyance of articles now carried through other channels, or too heavy for transportation at the present expense of carriage. The coals wanted for Philadelphia, and which, brought down from the sources of the Susquehannah and Potomac, but principally from the vicinity of Richmond, would naturally pass through the canal, have been alone estimated at more than one hundred thousand tons a year. The annual carriage of all articles may, in the present state of the population, be fairly estimated at one hundred and fifty thousand tons, and the direct annual saving to the community at three hundred thousand dollars—being at the rate of two dollars a ton for the difference between land and water carriage across the peninsula, after paying the tolls. These, at the rate of fifty cents a ton, will give to the undertakers a revenue of seventy-five thousand dollars, leaving, after a deduction of ten thousand dollars for annual repairs, and of ten thousand dollars more for attendance and contingencies, a net income of fifty-five thousand dollars.

“The expenses of the whole work are estimated as follows:

| | | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|---|---|-----------|
| “Digging twenty-two miles, at twenty thousand dollars a mile | - | - | - | - | \$440,000 |
| “Eighteen locks, at ten thousand dollars each | - | - | - | - | 180,000 |
| (The whole lockage being one hundred and forty-eight feet, would, at one thousand two hundred and fifty dollars a foot, amount to one hundred and eighty-five thousand dollars.) | | | | | |
| “Feeder, (nearly completed,) reservoirs, lock at the feeder, purchase of water-rights and land, including a debt of ——— dollars due by the company | - | - | - | - | 230,000 |
| Total | - | - | - | - | \$850,000 |

“The interest on which sum, at six per cent., is fifty-one thousand dollars.

“The capital originally subscribed amounted to four hundred thousand dollars, divided into two thousand shares of two hundred dollars each. One-half of these has been forfeited, after a small payment of five dollars on each share. One hundred thousand dollars, paid by the other stockholders, have been expended in preparatory measures, in the purchase of water-rights, and in digging the feeder, which was considered as the most difficult part of the work. Seven hundred and fifty thousand dollars are still wanted to complete the work; of which sum, one hundred thousand dollars is payable by the stockholders, and the deficiency of six hundred and fifty thousand dollars must be drawn from other sources.”

From this report of the Secretary of the Treasury, it

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would appear that the sum of seven hundred and fifty thousand dollars is now wanted to enable the company to complete the work.

| | |
|------------------------------------------------------------------------------------|------------------|
| Of this sum, there is already subscribed, and payable by the stockholders - - - | \$100,000 |
| If the State of Pennsylvania subscribe three hundred and seventy-five shares - - - | 75,000 |
| If the State of Maryland subscribe two hundred and fifty shares - - - | 50,000 |
| If the State of Delaware subscribe one hundred shares - - - | 20,000 |
| If the United States subscribe seven hundred and fifty shares - - - | 150,000 |
| The company will have - - - | <u>\$395,000</u> |

A sum which will enable them to recommence their operations, and, according to the estimate of the Secretary of the Treasury, nearly sufficient to complete the digging of the main canal.

Should this public aid be afforded, your committee feel a persuasion it would give a new impulse to the work, reanimate the company, inspire the community with confidence, induce the aid of individual capitalists, and insure, at no very distant period, the completion of an undertaking of great national as well as local advantage and importance.

The lateness of the session, however, and the nature of the business which at present engages the attention of the Senate, renders it inexpedient to bring this subject forward during this session of Congress. But, your committee, while they advise a postponement of the subject, earnestly recommend it to the early and attentive consideration of the Senate, at the next meeting of Congress.

They therefore submit the following resolution:

Resolved, That the further consideration of the President's Message of the 5th ultimo, with the communication accompanying the same, be postponed to the next session of Congress.

TUESDAY, July 13.

The Senate resumed the consideration of the report of the committee to whom was referred the memorial of John Gooding and others; which was adopted; and the petitioners had leave to withdraw their petition.

The Senate took into consideration the amendment of the House of Representatives to the bill, entitled "An act for the relief of Alexander Scott."

On motion, by Mr. GILES,

Resolved, That they concur therein, with the following amendment; strike out "five thousand," and insert "nine thousand."

The bill, entitled "An act to provide for the widows and orphans of militia slain, and for militia disabled in the service of the United States," was read the second time, and referred to the committee appointed, on the 27th of May, on so much of the Message of the President of the United States as relates to the Military Establishment, to consider and report thereon.

The bill, entitled "An act to continue in force, for a limited time, certain acts authorizing corps of rangers for the protection of the frontier of the United States, and making appropriations for the same," was read the second time, and referred to

the committee last mentioned, to consider and report thereon.

The bill, entitled "An act for the relief of Edwin T. Satterwhite," was read the second time and referred to a select committee, to consider and report thereon. Messrs. TURNER, HOWELL, and ROBINSON, were appointed the committee.

Mr. KING, from the committee to whom was referred the bill, entitled "An act laying duties on sugar refined within the United States," reported it with amendments. He also reported the bill, entitled "An act laying duties on carriages for the conveyance of persons," without amendment.

Mr. ANDERSON submitted the following motion for consideration:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That a joint committee of both Houses wait on the President of the United States, and request that he recommend a day of public humiliation and prayer, to be observed by the people of the United States with religious solemnity, and the offering of fervent supplications to Almighty God for the safety and welfare of these States, his blessing on their arms, and the speedy restoration of peace.

BRITISH LICENSES.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to prohibit the use of licenses or passes granted by the authority of the Government of the United Kingdom of Great Britain and Ireland, together with the amendments reported thereto by the select committee.

On motion by, Mr. GILES,

To strike out of first section, line 20, the following words: "And any ship, vessel, or merchandise, owned in whole or in part by any citizen or inhabitant of the United States, or of the Territories thereof, which shall be found in the waters or within the jurisdiction of the United States, having or using a license, pass, or other instrument, as aforesaid, shall be forfeited, the one half to the use of the United States, and the other half to any person or persons who shall give information thereof, and produce or procure evidence of the fact; the duties, if any, which may be payable on the importation of such merchandise, being previously paid or deducted from the proceeds of such forfeiture."

It was determined in the negative—yeas 13, nays 20, as follows:

YEAS—Messrs. Daggett, Dana, German, Giles, Gilman, Goldshorough, Gore, Horsey, Hunter, King, Lambert, Mason, and Wells.

NAYS—Messrs. Anderson, Bibb, Bledsoe, Brent, Brown, Bullock, Campbell, Chace, Condict, Fromentin, Howell, Lacoock, Leib, Morrow, Robinson, Tait, Taylor, Turner, Varnum, and Worthington.

And the bill having been further amended, the President reported it accordingly, and it was ordered to be engrossed and read a third time as amended.

WEDNESDAY, July 14.

The PRESIDENT communicated a report of the Secretary for the Department of War, on the memorial of William Tatham, referred to him on

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the 18th of February last; and the report was read.

The motion made yesterday respecting a day of public humiliation and prayer was read, and passed to the second reading.

The Senate resumed the consideration of the report of the select committee made the 12th instant, on the subject of the Chesapeake and Delaware Canal Company; and the further consideration thereof was postponed to the next session of Congress.

The bill to prohibit the use of licenses or passes granted by the authority of the Government of the United Kingdom of Great Britain and Ireland was reported by the committee correctly engrossed.

On motion, by Mr. GILES, the third reading of this bill was postponed until to-morrow.

The bill, entitled "An act to establish the town of Mobile a port of entry," was read a third time as amended, and passed.

The engrossed bill authorizing the payment for wagons and teams captured and destroyed by the enemy at Detroit was read a third time, and passed.

LICENSES TO DISTILLERS.

On motion, it was agreed that the several orders of the day be postponed, for the purpose of taking into consideration the tax bills. Whereupon, the Senate proceeded to consider the amendments reported by the select committee to the bill, entitled "An act laying duties on licenses to distillers of spirituous liquors;" and, having in part agreed to the amendments reported, on motion, to strike out the seventh section, as reported by the select committee, which goes to the limitation of the act to one year after the termination of the war with Great Britain; it was determined in the negative—yeas 14, nays 20, as follows:

YEAS—Messrs. Bibb, Brown, Daggett, Fromentin, German, Giles, Gilman, Gore, King, Lambert, Mason, Stone, Taylor, and Varnum.

NAYS—Messrs. Anderson, Bledsoe, Brent, Bullock, Campbell, Chace, Condict, Dana, Gaillard, Goldsborough, Horsey, Howell, Hunter, Lacock, Leib, Morrow, Robinson, Tait, Turner, and Worthington.

On motion, by Mr. VARNUM, that the bill be recommitted to the original committee, with instructions to amend the act, so that instead of a tax upon the capacity of the still, the same shall be laid upon the quantity of spirits distilled; it was determined in the affirmative—yeas 21, nays 13, as follows:

YEAS—Messrs. Brown, Chase, Daggett, Dana, Fromentin, Gaillard, German, Giles, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Leib, Mason, Robinson, Stone, Turner, and Varnum.

NAYS—Messrs. Anderson, Bibb, Bledsoe, Brent, Bullock, Campbell, Condict, Howell, Lacock, Morrow, Tait, Taylor, and Worthington.

THURSDAY, July 15.

A message from the House of Representatives informed the Senate that the House concur in the amendments of the Senate to the bill, enti-

tled "An act for the assessment and collection of direct taxes and internal duties," with an amendment, in which they request the concurrence of the Senate." They have passed a bill, entitled "An act to regulate the allowance of forage to officers in the Army of the United States," in which bill they request the concurrence of the Senate.

The bill last brought up for concurrence was read, and passed to the second reading.

The Senate proceeded to consider the amendment of the House of Representatives to their amendments to the bill, entitled "An act for the assessment and collection of direct taxes and internal duties." Whereupon,

Resolved, That they do not concur therein.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Elisha J. Winter; and the bill having been amended, the President reported it to the House accordingly, and it was ordered to be engrossed and read a third time as amended.

On motion, by Mr. DANA, the Senate resumed, as in Committee of the Whole, the bill concerning suits and costs in courts of the United States.

On motion, by Mr. BIBB, to postpone the further consideration thereof to the first Monday in December next, it was determined in the negative. And the bill having been amended, the President reported it to the House accordingly, and it was ordered to be engrossed and read a third time as amended.

Mr. KING, from the committee to whom was recommitted the bill, entitled "An act laying duties on licenses to distillers of spirituous liquors," reported that, owing to the advanced stage of the session, the length of time that will be wanted to obtain information, and to modify the bill according to the instruction given to the committee, it would be impracticable to report the bill so amended during the session; and therefore moved that the committee be discharged. Whereupon, the committee were discharged from the further consideration of this bill.

The bill for the relief of Elisha J. Winter, and the bill concerning suits and costs in courts of the United States, were, by the committee, reported correctly engrossed.

The Senate resumed, as in Committee of the Whole, the bill for the remission of certain duties to the Pennsylvania Academy of the Fine Arts; and, no amendment having been proposed, the bill was ordered to be engrossed and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to establish the office of Commissioner of the Revenue," together with the amendment reported thereto by the select committee; and, having agreed to the amendment, the President reported the bill accordingly, and it was ordered to be read a third time as amended.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act laying duties on sales at auction of merchandise and of ships and vessels," together with the

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amendments reported thereto by the select committee; and, having agreed to the amendments, the President reported the bill accordingly, and it was ordered to be read a third time as amended.

The motion made the 13th instant, respecting a day of public humiliation and prayer, was read the second time; and on the question, Shall it be engrossed and read a third time? it was determined in the affirmative.

BRITISH LICENSES.

The engrossed bill to prohibit the use of licenses or passes granted by the authority of the Government of the United Kingdom of Great Britain and Ireland was read a third time and the blank filled.

On motion, by Mr. GILES, that the bill be re-committed for further amendment, it was determined in the negative—yeas 14, nays 18, as follows:

YEAS—Messrs. Daggett, Dana, Fromentin, German, Giles, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Mason, and Stone.

NAYS—Messrs. Anderson, Bibb, Bledsoe, Brent, Bullock, Campbell, Chace, Condict, Gaillard, Howell, Lacock, Morrow, Robinson, Tait, Taylor, Turner, Varnum, and Worthington.

On the question, Shall this bill pass? it was determined in the affirmative—yeas 22, nays 12, as follows:

YEAS—Messrs. Anderson, Bibb, Bledsoe, Brent, Brown, Bullock, Campbell, Chace, Condict, Fromentin, Gaillard, Howell, Lacock, Leib, Morrow, Robinson, Stone, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS—Messrs. Daggett, Dana, German, Giles, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, and Mason.

Resolved, That this bill pass, and that the title thereof be "An act to prohibit the use of licenses or passes granted by the authority of the Government of the United Kingdom of Great Britain and Ireland."

FRIDAY, July 16.

Mr. DAGGETT presented the petition of John G. Quarenburg, a subject of the King of Sweden, and Captain of the Swedish brig *Catherina*, now in the port of New Haven, in the State of Connecticut, stating that, on the 25th of May last, the said brig, with her cargo, was seized by the collector of said port, for an alleged violation of the non importation laws; and praying to be released from all fines, penalties, and forfeitures, incurred in consequence thereof, for reasons stated at large in the petition; which was read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. DAGGETT, BULLOCK, and GORE, were appointed the committee.

On motion, by Mr. STONE, the report of the Secretary for the Department of War, on the memorial of William Tatham, together with the accompanying documents, was referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. STONE, MASON, and VARNUM, were appointed the committee.

The bill, entitled "An act to regulate the allowance of forage to officers in the Army of the United States," was read the second time.

On motion, by Mr. FROMENTIN, the bill establishing a district court in the Mississippi Territory, was referred to a select committee, to consider and report thereon; and Messrs. FROMENTIN, BROWN, and BULLOCK, were appointed the committee.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act laying duties on licenses to distillers of spirituous liquors;" and, the bill having been amended, the President reported it accordingly, and it was ordered to be read a third time as amended.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act laying duties on carriages for the conveyance of persons."

On motion, by Mr. DAGGETT, to strike out the seventh section, which goes to the limitation of the act to one year after the termination of the war with Great Britain, it was determined in the negative—yeas 10, nays 21, as follows:

YEAS—Messrs. Bibb, Brown, Daggett, Fromentin, Giles, Gore, King, Mason, Taylor, and Varnum.

NAYS—Messrs. Anderson, Bledsoe, Brent, Bullock, Campbell, Chace, Condict, Dana, Gaillard, Gilman, Goldsborough, Horsey, Howell, Lambert, Leib, Morrow, Robinson, Stone, Tait, Turner, and Worthington.

And the bill having been amended, the President reported it accordingly, and it was ordered to be read a third time as amended.

A message from the House of Representatives informed the Senate that the House have passed a resolution further referring to the joint committee of both Houses to whom it was referred to consider and report when an adjournment may probably take place, to consider and report as to the time when it will be advisable Congress should again meet after the close of the present session, in which they request the concurrence of the Senate.

The resolution last mentioned was thrice read by unanimous consent, and concurred in.

The bill for the remission of certain duties to the Pennsylvania Academy of the Fine Arts, was reported by the committee correctly engrossed, and read a third time, and passed.

The amendment to the bill, entitled "An act to establish the office of Commissioner of the Revenue," having been reported by the committee correctly engrossed, the bill was read a third time as amended, and passed.

The resolution requesting the President of the United States to recommend a day of public humiliation and prayer, having been reported by the committee correctly engrossed, was read the third time and passed, as follows:

"It being a duty peculiarly incumbent in a time of public calamity and war, humbly and devoutly to acknowledge our dependence on Almighty God, and to implore his aid and protection: therefore,

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That a joint committee of both Houses

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wait on the President of the United States and request that he recommend a day of public humiliation and prayer, to be observed by the people of the United States with religious solemnity, and the offering of fervent supplications to Almighty God for the safety and welfare of these States, his blessing on their arms, and the speedy restoration of peace."

The engrossed bill for the relief of Elisha J. Winter was read a third time, and passed.

The engrossed bill concerning suits and costs in courts of the United States was read a third time, and passed.

The amendments to the bill, entitled "An act laying duties on sales at auction of merchandise and of ships and vessels," having been reported by the committee correctly engrossed, was read a third time as amended; and on motion, by Mr. CHACE, the bill was recommitted to the original committee, for further amendment.

Mr. KING, from the committee last mentioned, reported the bill with further amendments; which were read and agreed to and the bill was ordered to be read a third time as amended.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act laying duties on sugar refined in the United States," together with the amendments reported thereto by the select committee, and, having agreed to amend the bill, the President reported it accordingly, and it was ordered to be read a third time as amended.

SATURDAY, July 17.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to authorize the transportation of certain documents free from postage;" also, a bill, entitled "An act laying duties on licenses to retailers of wines, spirituous liquors, and foreign merchandise;" in which bills they request the concurrence of the Senate.

The bills last brought up for concurrence were read, and passed to the second reading.

Mr. DANA gave notice that on Monday he should ask leave to bring in a bill concerning evidence in cases of naturalization.

Mr. TURNER, from the committee to whom was referred the bill, entitled "An act for the relief of Edwin T. Satterwhite," reported it without amendment.

Mr. ROBINSON, from the committee to whom was referred the bill for the relief of Thomas Hall Storm, reported that the further consideration thereof be postponed to the next session of Congress; and the report was agreed to.

On motion, by Mr. LEIB, the bill, entitled "An act to regulate the allowance of forage to officers in the Army of the United States," was referred to the committee appointed the 27th May, on so much of the Message of the President of the United States as relates to the Military Establishment.

The Senate resumed, as in Committee of the Whole, the bill for the benefit of Richard Ward, and on motion, by Mr. BLEDSOE, the further con-

sideration thereof was postponed to the first Monday in December next.

ADDITIONAL DUTIES.

The amendments to the bill, entitled "An act laying duties on carriages for the conveyance of persons," having been reported by the committee correctly engrossed, the bill was read a third time as amended.

On motion, by Mr. HORSEY,

"That this bill be recommitted, and that the committee be instructed to reduce the taxes on the fifth and sixth grades of carriages in as great a proportion as they have been reduced on the first, second, third, and fourth grades; or in case they deem it inexpedient to reduce the taxes on the fifth and sixth grades, that they report the same with the same rates of taxes it contained when sent from the House of Representatives:"

It was determined in the negative—yeas 11, nays 19, as follows:

YEAS—Messrs. Conduct, Daggett, Dana, German, Goldsborough, Horsey, Hunter, Lacock, Lambert, Leib, and Mason.

NAYS—Messrs. Bibb, Bledsoe, Brent, Brown, Bullock, Campbell, Chace, Fromentin, Giles, Gilman, Gore, Howell, King, Morrow, Robinson, Tait, Taylor, Turner, and Worthington.

On the question, Shall this bill pass as amended? it was determined in the affirmative—yeas 20, nays 10, as follows:

YEAS—Messrs. Bibb, Bledsoe, Brent, Brown, Bullock, Chace, Conduct, Fromentin, Gaillard, German, Giles, Howell, Lacock, Leib, Morrow, Robinson, Tait, Taylor, Turner, and Worthington.

NAYS—Messrs. Daggett, Dana, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, and Mason.

Resolved, That this bill pass with amendments.

The amendments to the bill, entitled "An act laying duties on licenses to distillers of spirituous liquors," having been reported by the committee correctly engrossed, the bill was read a third time as amended.

On the question, Shall this bill pass as amended? it was determined in the affirmative—yeas 22, nays 9, as follows:

YEAS—Messrs. Bibb, Bledsoe, Brent, Brown, Bullock, Campbell, Chace, Conduct, Fromentin, Gaillard, German, Giles, Gilman, Howell, Lacock, Mason, Morrow, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS—Messrs. Daggett, Dana, Goldsborough, Gore, Horsey, Hunter, King, Lambert, and Stone.

Resolved, That this bill pass with amendments.

The amendments to the bill, entitled "An act laying duties on sugar refined within the United States," having been reported by the committee correctly engrossed, the bill was read a third time as amended.

On the question, Shall this bill pass as amended? it was determined in the affirmative—yeas 20, nays 10, as follows:

YEAS—Messrs. Bibb, Bledsoe, Brent, Brown, Bullock, Campbell, Chace, Conduct, Fromentin, Gaillard, Giles, Howell, Lacock, Leib, Morrow, Tait, Taylor, Turner, Varnum, and Worthington.

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NAYS—Messrs. Daggett, Dana, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, and Stone.

Resolved, That this bill pass with amendments.

The amendments to the bill, entitled "An act laying duties on sales at auction of merchandise, and of ships and vessels," having been reported by the committee correctly engrossed, the bill was read a third time as amended.

On the question, Shall this bill pass as amended? it was determined in the affirmative—yeas 21, nays 11, as follows:

YEAS—Messrs. Bibb, Bledsøe, Brent, Brown, Bullock, Campbell, Chace, Condict, Fromentin, Gaillard, German, Giles, Howell, Lacock, Leib, Morrow, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS—Messrs. Daggett, Dana, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Mason, and Stone.

Resolved, That this bill pass with amendments.

MONDAY, July 19.

Mr. ANDERSON, from the committee to whom was referred the bill, entitled "An act to continue in force, for a limited time, certain acts authorizing corps of rangers for the protection of the frontier of the United States," and making appropriations for the same, reported it without amendment, and it was ordered to the third reading.

He also reported the bill, entitled "An act to regulate the allowance of forage to officers in the Army of the United States," without amendment.

Ordered, That it pass to a third reading.

Mr. DANA asked and obtained leave to bring in a bill concerning evidence in cases of naturalization; and the bill was read, and passed to a second reading.

Mr. BLEDSØE submitted the following motion for consideration.

"Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President and Directors of the Pennsylvania Academy of Fine Arts be, and they are hereby, authorized to cause to be removed from the Capitol, at the City of Washington, and placed in said Academy, the portraits of the late King and Queen of France, subject to any future disposition thereof by Congress."

Mr. GAILLARD presented the petition of John Everingham and others, owners of private armed vessels praying a reduction of the duties on prize goods, for reasons stated at large in the petition; which was read.

Mr. DANA submitted the following motion for consideration:

Resolved, That it is expedient to determine and provide by law, that all acts or parts of acts expressly interdicting the entrance of waters of the United States to any foreign vessels, or expressly prohibiting commerce with any foreign dominions, or in productions thereof, shall be considered as involved in the state of war now existing between the United States and Great Britain, and shall cease to operate in the event of a general truce or peace between the two countries.

The bill, entitled "An act laying duties on licenses to retailers of wines, spirituous liquors, and foreign merchandise," was read the second time, and referred to the committee appointed to consider the bill, entitled "An act for the assessment and collection of direct taxes and internal duties, to consider and report thereon.

The bill, entitled "An act to authorize the transportation of certain documents free from postage," was read the second time.

The bill, entitled "An act for the relief of Edwin T. Satterwhite," was read the third time, and passed.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act laying duties on notes of banks, bankers, and certain companies; on notes, bonds, and obligations, discounted by banks, bankers, and certain companies; and on bills of exchange of certain descriptions;" also, the bill, entitled "An act laying a duty on imported salt; granting a bounty on pickled fish exported, and allowances to certain vessels employed in the fisheries;" in which bills they request the concurrence of the Senate.

The two bills last mentioned were read, and passed to the second reading.

Mr. KING, from the committee to whom was referred the bill, entitled "An act to lay and collect a direct tax within the United States," reported it with amendments.

TUESDAY, July 20.

Ordered, That Messrs. ANDERSON and FROMENTIN be the committee, on the part of the Senate, to wait on the President of the United States with the resolution respecting a day of public humiliation and prayer.

Mr. FROMENTIN, from the committee to whom was referred the bill establishing a district court in the Mississippi Territory, reported it amended.

Mr. ANDERSON, from the committee to whom was referred the bill, entitled "An act to provide for the widows and orphans of militia slain, and for militia disabled in the service of the United States," reported it amended.

The bill, entitled "An act laying duties on notes of banks, bankers, and certain companies; on notes, bonds, and obligations, discounted by banks, and bankers, and certain companies; and on bills of exchange of certain descriptions;" also, the bill, entitled "An act laying a duty on imported salt; granting a bounty on pickled fish exported, and allowances to certain vessels employed in the fisheries," were severally read the second time, and referred to the committee who have under consideration the bill, entitled "An act for the assessment and collection of direct taxes and internal duties," to consider and report thereon.

A message from the House of Representatives informed the Senate that the House have passed the bill which originated in the Senate, entitled "An act concerning suits and costs in courts of the United States," with amendments, in which

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they request the concurrence of the Senate; also, the bill entitled "An act supplementary to the acts heretofore passed on the subject of an uniform rule of naturalization," with amendments, in which they request the concurrence of the Senate. They have passed a bill, entitled "An act giving further time for registering claims to lands in the late district of Arkansaw, in the Territory of Missouri, and for other purposes;" a bill, entitled "An act to amend and explain the act regulating pensions to persons on board private armed ships;" a bill, entitled "An act for the relief of David Henley;" also, a bill entitled "An act fixing the time for the next meeting of Congress;" in which bills they request the concurrence of the Senate.

The three bills first mentioned as brought up for concurrence were read, and passed to the second reading.

The Senate proceeded to consider the amendments of the House of Representatives to the bill entitled "An act concerning suits and costs in courts of the United States;" and concurred therein.

The bill, entitled "An act to regulate the allowance of forage to officers in the Army of the United States," was read a third time and passed.

The bill, entitled "An act to continue in force, for a limited time, certain acts authorizing corps of rangers for the protection of the frontier of the United States, and making appropriations for the same," was read a third time, and passed.

The bill concerning evidence in cases of naturalization was read the second time.

The motion made yesterday respecting the acts interdicting the entrance of waters of the United States to any foreign vessels was read the second time.

The motion made yesterday respecting the portraits of the late King and Queen of France was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. BLEDSOE, GILES, and CHACE, were appointed the committee.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to lay and collect a direct tax within the United States," together with the amendments reported thereto by the select committee; and, having agreed to the amendments with amendments, on motion, by Mr. VARNUM, to strike out, 1st line, 1st section, "3,000,000," and insert, "2,000,000," the sum to be raised by this bill, it was determined in the negative—yeas 4, nays 25, as follows:

YEAS—Messrs. Gore, Hunter, Mason, and Varnum.

NAYS—Messrs. Anderson, Bibb, Bledsoe, Brent, Brown, Campbell, Chace, Conduct, Dana, Fromentin, Gaillard, German, Gilman, Horsey, Howell, King, Lacock, Lambert, Leib, Morrow, Robinson, Stone, Tait, Turner, and Worthington.

On motion by Mr. GERMAN, to strike out the third section, it was agreed to take the question by yeas and nays; and on motion, by Mr. LEIB, it was agreed that the further consideration of the bill be postponed until to-morrow.

WEDNESDAY, July 21.

On motion, by Mr. LACOCK, the amendments of the House of Representatives to the bill, entitled "An act supplementary to the acts heretofore passed on the subject of an uniform rule of naturalization;" were referred to a select committee, to consider and report thereon; and Messrs. LACOCK, DANA, and BIBB, were appointed the committee.

On motion, by Mr. DANA, that the bill concerning evidence in cases of naturalization be now considered, it was objected to.

The bill from the House of Representatives fixing the time for the next meeting of Congress was read and passed to a second reading.

Mr. LEIB submitted the following motion for consideration:

Resolved, That a committee be appointed to revise the rules for conducting business in the Senate.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to lay and collect a direct tax within the United States;" and the question recurring on the motion to strike out the third section, it was determined in the negative—yeas 12, nays 17, as follows:

YEAS—Messrs. Dana, German, Gilman, Goldsborough, Gore, Hunter, King, Lambert, Leib, Mason, Robinson, and Varnum.

NAYS—Messrs. Bibb, Bledsoe, Campbell, Chace, Conduct, Fromentin, Gaillard, Giles, Horsey, Howell, Lacock, Morrow, Stone, Tait, Taylor, Turner, and Worthington.

A motion was made by Mr. GILES to expunge the sixth and seventh sections; and Mr. KING called for a division of the question; and which was accordingly taken on striking out the sixth section, which empowers the States to vary the quotas on their respective counties more equitably; and it was determined in the negative—yeas 12, nays 19, as follows:

YEAS—Messrs. Dana, German, Giles, Gilman, Goldsborough, Horsey, Hunter, King, Mason, Stone, Turner, and Varnum.

NAYS—Messrs. Anderson, Bibb, Bledsoe, Brown, Campbell, Chace, Conduct, Fromentin, Gaillard, Gore, Howell, Lacock, Lambert, Leib, Morrow, Robinson, Tait, Taylor, and Worthington.

On the question to strike out the seventh section, which empowers the States respectively to pay their quotas in the Treasury, allowing a premium thereupon, and providing in that case that the assessors and collectors of the General Government shall stay proceedings; it was determined in the negative—yeas 8, nays 23, as follows:

YEAS—Messrs. German, Giles, Gilman, Goldsborough, Horsey, Hunter, Mason, and Stone.

NAYS—Messrs. Anderson, Bibb, Bledsoe, Brown, Campbell, Chase, Conduct, Fromentin, Gaillard, Gore, Howell, King, Lacock, Lambert, Leib, Morrow, Robinson, Tait, Taylor, Turner, Varnum, and Worthington.

And the bill having been further amended, the PRESIDENT reported it accordingly, and it was ordered to be read a third time, as amended.

Mr. KING, from the committee to whom was referred the bill, entitled "An act laying a duty on imported salt, granting a bounty on pickled fish exported, and allowances to certain vessels employed in the fisheries," reported it with an amendment. He also reported amendments to the bill, entitled "An act laying duties on notes of banks, bankers, and certain companies; on notes, bonds, and obligations, discounted by banks, bankers, and certain companies; and on bills of exchange of certain descriptions;" also to the bill, entitled "An act laying duties on licenses to retailers of wines, spirituous liquors, and foreign merchandise."

GOVERNMENT LOAN.

Mr. BIBB communicated the following letter from the Secretary of the Treasury :

TREASURY DEPARTMENT,
July 19, 1813.

SIR: I have had the honor to receive your letter of the 17th instant, inquiring what further provision is deemed necessary to be made, during the present session of Congress, for meeting the public engagements, and defraying the public expenditures.

In the report made from this Department to Congress, on the 2d of June last, the means already provided for the service of this year was stated to be sufficient, exclusive of any additional expenditures which might be found necessary on account of the War and Navy Departments. New and additional expenditures are contemplated in those Departments, amounting to nearly a million of dollars, and calls of militia in various parts of the United States, which have already taken place, and which will probably be repeated before the close of the present year, may require a million of dollars more. An additional sum of about two millions may therefore be considered as necessary to secure the public service, during the remainder of the year, from delay and embarrassment.

As the loan for the service of the year 1814 cannot with convenience, be made sufficiently early in that year to meet the demands which must be sustained by the Treasury at its commencement, it is proposed that in addition to the sum of two millions abovementioned, for the present year, a loan should now be authorized, sufficient, with the sums receivable from the revenue, to defray the expenditures of the three first months of the year 1814.

The demands upon the Treasury for those three months are estimated as follows, to wit:

| | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| For civil, diplomatic, and miscellaneous expenses - - - - - | \$400,000 |
| For public debt, exclusive of Treasury notes and interest thereon, falling due in the months of January and February, 1814, which will be provided for out of the surplus of the Sinking Fund for the year 1813 - - - - - | 1,100,000 |
| For the War and Navy Departments - - - - - | 6,000,000 |
| | <hr/> |
| | \$7,500,000 |
| | <hr/> |

| | |
|-----------------------------------------------------------------------------------------------------------------------------|-------------|
| The amount receivable from the custom-house duties, during that period, may be estimated at - - - - - | \$1,500,000 |
| From sales of public lands, and from the internal duties which will go into operation on the 1st of January, 1814 - - - - - | 250,000 |

The balance which will remain in the Treasury on 31st of December next, is estimated to amount to about 2,000,000 of dollars. As this amount is somewhat larger than may be necessary to be permanently retained in the Treasury, there may be applied from it towards the demands during the first quarter of the year 1814, the sum of - - - 250,000

| | |
|------------------------------------------------------|-------------|
| Making, together - - - - - | \$2,000,000 |
| And will leave to be furnished by the loan - - - - - | 5,500,000 |
| | <hr/> |
| | \$7,500,000 |
| | <hr/> |

The whole sum, therefore, for which it is conceived eligible that an authority should now be given to the President to obtain, on loan, before the close of the present year, is seven millions five hundred thousand dollars; of which it is estimated that two millions may be wanted for the service of the present year, and the residue towards the supply for the service of the year 1814.

If this loan shall be authorized, a sufficient sum from its proceeds may probably be brought into the Treasury, in the course of the present year, to take the place of two millions of dollars of the Treasury notes authorized to be issued, and taken into the former estimates as a part of the resources of the present year. A special authority to make a loan for this purpose was suggested as proper to be granted by Congress, in the report to that body of the second of June last; and the necessity for it arose from the consideration, that, if five millions of dollars, being the whole amount of those notes authorized to be issued for the service of this year, should be actually issued before its close, there would be, at that time, in circulation, the sum of seven millions of dollars—a sum greater, considering the limited state of our commerce, and the small amount of custom-house bonds which will then remain outstanding, and to the payment of which they are applicable, than might perhaps be maintained in circulation, without some difficulty or depreciation. In the months of January and February, 1814, near two millions of dollars of Treasury notes, issued under the act of June 30, 1812, will be paid off; and if the issuing of that amount of those notes, authorized by the act of February, 25, 1813, for the service of the year 1813, can be postponed till that time, as it may be, if the loan now proposed should be authorized, they will merely take the place of the others, and the amount in circulation not exceed what a steady and effective demand requires.

It is not perceived that any provisions are necessary in the law for authorizing the loan, at the present time, different from those contained in the act of February 8th, 1813, authorizing a loan for a sum not exceeding sixteen millions of dollars.

I have the honor to be, &c.,
W. JONES,

Acting Secretary of the Treasury.
HON. WILLIAM W. BIBB,
Acting Chairman Com. of Ways & Means.

THURSDAY, July 22.

Mr. GERMAN presented the petition of Stephen Jumel, and others, merchants, of the city of New York, stating that they are holders of drafts to a

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considerable amount of Bartholomew Shaumburg, deputy quartermaster general at New Orleans, on the Secretary of War, which have been protested for non-acceptance and non-payment, and asking relief; which was read, and referred to the Secretary for the Department of War, to consider and report thereon.

Mr. LACOCK, from the committee to whom were referred the amendments of the House of Representatives to the bill, entitled "An act supplementary to the acts heretofore passed on the subject of an uniform rule of naturalization," reported concurrence therein.

The bill, entitled "An act fixing the time for the next meeting of Congress," was read the second time, and was considered as in Committee of the Whole; and, no amendment having been offered, it was ordered to a third reading.

The amendments to the bill, entitled "An act to lay and collect a direct tax within the United States," having been reported by the committee correctly engrossed, the bill was read a third time as amended.

On motion, by Mr. GORE, that the bill be re-committed, for the purpose of providing a just and equal apportionment of the tax imposed by this act, on the several counties or districts within each State, it was determined in the negative—yeas 9, nays 22, as follows:

YEAS—Messrs. Dana, German, Gilman, Goldsborough, Gore, Horsey, Hunter, Lambert, and Mason.

NAYS—Messrs. Anderson, Bibb, Bledsoe, Brown, Campbell, Chase, Condict, Fromentin, Gaillard, Giles, King, Lacock, Leib, Morrow, Robinson, Smith, Stone, Tait, Taylor, Turner, Varnum, and Worthington.

On the question, Shall this bill pass as amended? it was determined in the affirmative—yeas 20, nays 11, as follows:

YEAS—Messrs. Anderson, Bibb, Bledsoe, Brown, Campbell, Chase, Condict, Fromentin, Gaillard, German, Giles, Lacock, Leib, Morrow, Robinson, Smith, Tait, Taylor, Turner, and Worthington.

NAYS—Messrs. Dana, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Mason, Stone, and Varnum.

Resolved, That this bill pass with amendments.

A message from the House of Representatives informed the Senate that the House have passed the bill which originated in the Senate, entitled "An act for the relief of Elisha J. Winter," with amendments, in which they request the concurrence of the Senate. They have passed a bill, entitled "An act for the relief of the officers and crew of the United States' brig Vixen;" a bill, entitled "An act concerning invalid pensioners;" also, a bill, entitled "An act for the relief of James Dufour and his associates;" in which bills they request the concurrence of the Senate.

The bill, entitled "An act giving further time for registering claims to lands in the late district of Arkansaw, in the Territory of Missouri, and for other purposes;" the bill, entitled "An act to amend and explain the act regulating pensions to persons on board private armed ships;" and the bill, entitled "An act for the relief of David Henley," were severally read the second time.

13th CON. 1st SESS.—3

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act laying duties on licenses to retailers of wines, spirituous liquors, and foreign merchandise," together with the amendments reported thereto by the select committee; and, having agreed to the amendments, on motion to strike out the following words, section 4, "on retailers of merchandise other than wines and spirits, fifteen dollars," it was determined in the negative—yeas 13, nays 18, as follows:

YEAS—Messrs. Brown, Dana, Fromentin, German, Gilman, Goldsborough, Gore, Horsey, King, Lambert, Leib, Mason, and Varnum.

NAYS—Messrs. Anderson, Bibb, Bledsoe, Campbell, Chase, Condict, Gaillard, Giles, Hunter, Lacock, Morrow, Robinson, Stone, Tait, Taylor, Turner, Wells, and Worthington.

On motion, by Mr. LEIB, further to amend the bill, it was agreed to take the question by yeas and nays.

FRIDAY, July 23.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act laying duties on licenses to retailers of wines, spirituous liquors, and foreign merchandise."

Mr. LEIB withdrew the motion made yesterday, and submitted the following:

On retailers of merchandise, other than wines and spirits, whose stock shall not exceed at any one time two hundred dollars, to be ascertained by the collector, two dollars.

And the question was determined in the negative—yeas 10, nays 11, as follows:

YEAS—Messrs. Bledsoe, Brown, Campbell, Dana, Goldsborough, Horsey, Lambert, Leib, Taylor, and Wells.

NAYS—Messrs. Chase, Condict, Fromentin, Giles, Gore, King, Stone, Tait, Turner, Varnum, and Worthington.

And the bill having been further amended, the President reported it accordingly, and it was ordered to be read a third time as amended.

A message from the House of Representatives informed the Senate that the House have passed the bill, entitled "An act to authorize the raising a corps of sea fencibles," with an amendment; in which they request the concurrence of the Senate. They have passed a bill supplementary to the act, entitled "An act for the better regulation of the ordnance;" also, a bill, entitled "An act supplementary to an act, entitled 'An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes, and to increase the pay of volunteer and militia corps;" in which bills they request the concurrence of the Senate.

The two bills last mentioned, together with the three bills brought up yesterday, were read, and passed to the second reading.

The bill, entitled "An act fixing the time for the next meeting of Congress," was read the third time, and passed.

The bill, entitled "An act to authorize the transportation of certain documents free of postage," was resumed as in Committee of the Whole; and, no amendment having been offered, by unanimous consent, the bill was read the third time, and passed.

Resolved, That this bill pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act laying duties on notes of banks, bankers, and certain companies; on notes, bonds, and obligations, discounted by banks, bankers, and certain companies; and on bills of exchange of certain descriptions;" together with the amendments reported thereto by the select committee.

On motion, to agree to the report of the committee, and strike out of section two, line four, the word "two," and insert "one," which will reduce the annual compensation for stamps on bank paper to one and an half per cent., it was determined in the affirmative—yeas 19, nays 12, as follows:

YEAS—Messrs. Bibb, Brown, Dana, Fromentin, German, Giles, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Leib, Mason, Smith, Stone, Varnum, and Wells.

NAYS—Messrs. Anderson, Bledsoe, Campbell, Condict, Chace, Lacock, Morrow, Robinson, Tait, Taylor, Turner, and Worthington.

And the other amendments reported by the select committee having been agreed to, and the bill further amended, the further consideration of the bill was postponed until to-morrow.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act laying a duty on imported salt; granting a bounty on pickled fish exported, and allowances to certain vessels employed in the fisheries;" and, the amendment reported by the select committee having been disagreed to, and no other amendment offered, the President reported the bill accordingly, and it was ordered to be read a third time.

The Senate took into consideration the amendment of the House of Representatives to the bill, entitled "An act for the relief of Elisha J. Winter," and concurred therein.

They also considered the amendment of the House of Representatives to the bill, entitled "An act to authorize the raising a corps of sea fencibles;" and concurred therein.

SATURDAY, July 24.

The PRESIDENT communicated the memorial of Ichabod B. Crane, and of Roger Jones, captains in the Army of the United States, representing that their rights have been invaded as soldiers, and their feelings wounded, by undue promotions of junior officers; and praying redress; and the memorials were read, and referred to a select committee, to consider and report thereon; and Messrs. WORTHINGTON, GILES, and CONDUCT, were appointed the committee.

The amendments to the bill, entitled "An act

laying duties on licenses to retailers of wines, spirituous liquors, and foreign merchandise," having been reported by the committee correctly engrossed, the bill was read a third time.

On the question, Shall this bill pass as amended? it was determined in the affirmative—yeas 16, nays 14, as follows:

YEAS—Messrs. Anderson, Bledsoe, Brown, Campbell, Chace, Condict, Fromentin, Gaillard, Giles, Howell, Morrow, Robinson, Smith, Tait, Taylor, and Turner.

NAYS—Messrs. Dana, German, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Leib, Mason, Stone, Varnum, and Wells.

Resolved, That this bill pass with amendments.

The bill, entitled "An act laying a duty on imported salt, granting a bounty on pickled fish exported, and allowances to certain vessels employed in the fisheries," was read a third time, and passed—yeas 20, nays 10, as follows:

YEAS—Messrs. Anderson, Bledsoe, Brown, Campbell, Chace, Condict, Fromentin, Gaillard, German, Giles, Howell, Lacock, Leib, Mason, Morrow, Robinson, Smith, Tait, Taylor, and Turner.

NAYS—Messrs. Dana, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Stone, Varnum, and Wells.

The Senate resumed the consideration of the amendment of the House of Representatives to the bill, entitled "An act supplementary to the acts heretofore passed on the subject of an uniform rule of naturalization.

On motion, by Mr. LEIB, the bill was recommended to a select committee, further to consider and report thereon; and Messrs. LEIB, GILES, and KING, were appointed the committee.

The bill, entitled "An act concerning invalid pensioners," was read the second time, and referred to a select committee to consider and report thereon; and Messrs. ROBINSON, HORSEY, and MASON, were appointed the committee.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act laying duties on notes of banks, bankers, and certain companies, and on bills of exchange of certain descriptions."

On motion, by Mr. BIBB, to strike out "fifty," and insert "one hundred," in line 32, it was determined in the negative; and, on his motion to strike out, from lines 48 and 49, the words "and not exceeding four thousand dollars," and also lines 50, 51, 52, 53, 54, and 55, to the word "provided," in the 56th line, it was determined in the negative.

On motion, by Mr. GOLDSBOROUGH, to strike out, from the word "exceeding," in the 36th line, to the words "and cents," inclusive, in the 39th line, and insert, "five hundred dollars twelve and a half cents," and by that scale of graduation to reduce the stamp duties respectively described, as far as the word "provided," in the 56th line, it was determined in the negative—yeas 13, nays 18, as follows:

YEAS—Messrs. Bibb, Dana, German, Gilman, Goldsborough, Gore, Horsey, Hunter, Lambert, Leib, Mason, Smith, and Wells.

NAYS—Messrs. Bledsoe, Bullock, Campbell, Chace.

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Condict, Fromentin, Gaillard, Giles, Howell, Lacock, Morrow, Robinson, Stone, Tait, Taylor, Turner, Varnum, and Worthington.

On the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

A message from the House of Representatives informed the Senate that the House have passed the bill, entitled "An act authorizing a loan for a sum not exceeding seven millions five hundred thousand dollars;" a bill, entitled "An act for the relief of Willet Warne;" also, a bill, entitled "An act making further provision for the collection of internal duties, and for the appointment and compensation of assessors;" and a resolution fixing the time for the adjournment of the two Houses of Congress; in which bills and resolution they request the concurrence of the Senate.

The resolution fixing the time for the adjournment of the two Houses of Congress was read, and passed to the second reading.

MONDAY, July 26.

The bill from the House of Representatives, entitled "An act authorizing a loan for a sum not exceeding seven millions five hundred thousand dollars," was read, and passed to the second reading.

Mr. KING submitted the following motion for consideration:

Resolved, That the President of the United States be, and he is hereby, requested to cause to be laid before the Senate the terms upon which the loan made in pursuance of "An act authorizing a loan for a sum not exceeding sixteen millions of dollars," passed the eighth day of February last, has been obtained or contracted for, together with a copy of such contract.

Mr. LEIB, from the committee to whom was recommitted the amendments of the House of Representatives to the bill, entitled "An act supplementary to the acts heretofore passed on the subject of an uniform rule of naturalization," reported them amended.

Mr. LEIB submitted the following motion for consideration:

Resolved, That the Secretary of the Senate be authorized to receive — dollars in addition to his usual compensation, out of the contingent fund of this House, and to pay, out of the same fund, the sum of — dollars to each of the clerks in his office; and — dollars to the Doorkeeper, and — dollars to the Assistant Doorkeeper, in addition to their usual compensation, being for extra services during this special session: also, to Robert Tweedy, Benjamin G. Bowen, and Tobias Simpson, — dollars each, in addition to their usual allowance; and to Charles Tims — dollars for his services during the session; and the motion was read.

Ordered, That it pass to the second reading.

The amendments to the bill, entitled "An act laying duties on notes of banks, bankers, and certain companies; on notes, bonds, and obligations, discounted by banks, bankers, and certain companies; and on bills of exchange of certain descriptions," were reported by the committee correctly engrossed.

TUESDAY, July 27.

The PRESIDENT communicated a report of the Secretary for the Department of War, on the petition of Stephen Jumel, and others, referred to him on the 22d instant; and the report was read.

Mr. GAILLARD presented the petition of Henry Bryce, merchant, of Charleston, South Carolina, praying to be released from certain bonds to the United States, for reasons stated at large in the petition; and the petition was read.

A message from the House of Representatives informed the Senate that the House agree to some and disagree to other amendments of the Senate to the following bills: the bill, entitled "An act to lay and collect a direct tax within the United States;" the bill, entitled "An act laying duties on licenses to retailers of wines, spirituous liquors, and foreign merchandise." They have passed the bill, entitled "An act for the relief of the owners of the ships called the Good Friends, the Amazon, and the United States, and their cargoes," with amendments, in which they request the concurrence of the Senate. They have passed a bill, entitled "An act authorizing the sale of sundry lots, the property of the United States, in the borough of Pittsburg;" also, a bill, entitled "An act for the relief of George Lyon;" in which bills they request the concurrence of the Senate.

The two bills last mentioned were read, and passed to the second reading.

Mr. LEIB presented the petition of Thomas Skelly, of the city of Philadelphia, merchant, stating that he was owner of the brigantine called the Meteor, and that the said brigantine was captured by a British armed vessel whilst on her return to the United States, and illegally condemned in the British High Court of Admiralty; and praying relief; and, on his motion, it was referred to the Secretary for the Department of State, to consider and report thereon.

Mr. BLEDSOE, from the committee to whom was referred the motion respecting the portraits of the late King and Queen of France, reported it without amendment.

The Senate resumed the consideration of the amendment of the House of Representatives to the bill, entitled "An act supplementary to the acts heretofore passed on the subject of a uniform rule of naturalization," together with the amendment reported thereto by the select committee, which was amended; and

Resolved, That they concur in the amendment with amendment.

The resolution from the House of Representatives fixing the time for the adjournment of the two Houses of Congress, was read a second time.

The bill, entitled "An act for the better regulation of the ordnance;" also, the bill, entitled "An act supplementary to the act, entitled 'An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes,' and to increase the pay of the volunteer and militia corps," were

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read the second time, and referred to the committee appointed on the 27th May, on so much of the Message of the President of the United States as relates to the Military Establishment, to consider and report thereon.

The bill from the House of Representatives, entitled "An act for the relief of Willet Warne," was read, and passed to the second reading.

The bill, entitled "An act making further provision for the collection of internal duties and for the appointment and compensation of assessors," was read the first and second times by unanimous consent, and referred to a select committee, to consist of five members, to consider and report thereon; and Messrs. GILES, KING, BULLOCK, SMITH, and WORTHINGTON, were appointed the committee.

The bill, entitled "An act authorizing a loan for a sum not exceeding seven millions five hundred thousand dollars," was read the second time, and referred to the committee last mentioned, to consider and report thereon.

The bill, entitled "An act for the relief of the officers and crew of the United States' brig Vixen," was read the second time, and referred to the committee appointed the 27th May on so much of the Message of the President of the United States as relates to the Naval Establishment, to consider and report thereon.

The bill, entitled "An act for the relief of John James Dufour and his associates," was read the second time, and referred to the committee appointed the 4th of June on the subject of public lands, to consider and report thereon.

The bill, entitled "An act laying duties on notes of banks, bankers, and certain companies; on notes, bonds, and obligations, discounted by banks, bankers, and certain companies; and on bills of exchange of certain descriptions," was read a third time as amended.

On motion, by Mr. LEIB, to postpone the further consideration of the bill to the first Monday in December next, it was determined in the negative—yeas 15, nays 18, as follows:

YEAS—Messrs. Brown, Dana, German, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Leib, Mason, Smith, Stone, and Wells.

NAYS—Messrs. Anderson, Bibb, Bledsoe, Bullock, Campbell, Chace, Condict, Fromentin, Gaillard, Giles, Howell, Lacock, Morrow, Robinson, Tait, Taylor, Turner, and Worthington.

On the question, Shall this bill pass as amended? it was determined in the affirmative—yeas 19, nays 14, as follows:

YEAS—Messrs. Anderson, Bibb, Bledsoe, Bullock, Campbell, Chace, Condict, Fromentin, Gaillard, Giles, Howell, Lacock, Morrow, Robinson, Smith, Tait, Turner, and Worthington.

NAYS—Messrs. Brown, Dana, German, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Leib, Mason, Stone, and Wells.

Resolved, That this bill pass with amendments.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act reducing the duties on

prize goods captured by private armed vessels of the United States," in which they request the concurrence of the Senate.

The bill last mentioned was read, and passed to the second reading.

The Senate took into consideration their amendments, disagreed to by the House of Representatives, to the bill, entitled "An act to lay and collect a direct tax within the United States;" and,

Resolved, That they insist on their amendments disagreed to, and ask a conference on the disagreeing votes of the two Houses.

Ordered, That Messrs. KING, WORTHINGTON, and GILES, be the managers at the said conference on the part of the Senate.

The Senate proceeded to consider the amendments disagreed to by the House of Representatives to the bill, entitled "An act laying duties on licenses to retailers of wines, spirituous liquors, and foreign merchandise."

Resolved, That they insist on their amendments, and ask a conference on the disagreeing votes of the two Houses.

Ordered, That Messrs. KING, WORTHINGTON, and GILES, be the managers at the said conference on the part of the Senate.

The Senate also proceeded to consider the amendments of the House of Representatives to the bill, entitled "An act for the relief of the owners of the ships called the Good Friends, the Amazon, and the United States, and their cargoes," and concurred therein.

The Senate resumed the consideration of the motion made yesterday, as follows:

Resolved, That the President of the United States be, and he is hereby, requested to cause to be laid before the Senate the terms upon which the loan, made in pursuance of "An act authorizing a loan for a sum not exceeding sixteen millions of dollars," passed the eighth day of February last, has been obtained or contracted for, together with a copy of such contract.

And the motion was agreed to.

The resolution authorizing an additional compensation, for this session, to the Secretary of the Senate, clerks, &c., was read a second time.

On motion, by Mr. GERMAN, Elisha J. Winter had leave to withdraw his papers.

WEDNESDAY, July 28.

Mr. VARNUM reported, from the joint committee appointed to consider when an adjournment of Congress may probably take place, that they could come to no agreement with the committee on the part of the House of Representatives.

The resolution fixing the time for the adjournment of the two Houses of Congress was resumed, as in Committee of the Whole; and, on motion, it was amended, by striking out "Thursday, the 29th day of July, instant," and inserting "Monday, the 2d day of August next." It was then ordered to be read a third time as amended.

A message from the House of Representatives informed the Senate that the House disagree to the amendment of the Senate to their amendment to the bill, entitled "An act supplementary

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to the acts heretofore passed on the subject of an uniform rule of naturalization." They insist on their disagreement to the amendments of the Senate to the bill, entitled "An act to lay and collect a direct tax within the United States;" they also insist on their disagreement to the amendments of the Senate to the bill, entitled "An act laying duties on licenses to retailers of wines, spirituous liquors, and foreign merchandise." They agree to the conference proposed on the subject, and have appointed managers on their part. They agree to the amendment, line 13, sec. 4, and disagree to all the other amendments of the Senate to the bill, entitled "An act laying duties on notes of banks, bankers, and certain companies; on notes, bonds, and obligations, discounted by banks, bankers, and certain companies; and on bills of exchange of certain descriptions." They have passed a bill, entitled "An act explanatory of an act, entitled 'An act to raise ten additional companies of rangers;' in which they request the concurrence of the Senate.

THURSDAY, July 29.

Mr. ROBINSON, from the committee to whom was referred the bill, entitled "An act concerning invalid pensioners;" reported it without amendment.

Mr. MORROW, from the committee to whom was referred the bill, entitled "An act for the relief of John James Dufour and his associates;" reported it without amendment.

The Senate proceeded to consider their amendment, disagreed to by the House of Representatives, to the amendment to the bill, entitled "An act supplementary to the acts heretofore passed on the subject of an uniform rule of naturalization."

Resolved, That they recede therefrom, and concur in the amendment of the House of Representatives to said bill.

The bill, entitled "An act explanatory of an act, entitled 'An act to raise ten additional companies of rangers,'" was twice read by unanimous consent, and referred to the committee, appointed on the 27th May, on so much of the Message of the President of the United States as relates to the Military Establishment, to consider and report thereon.

The Senate resumed the motion made the 19th instant, respecting the acts interdicting the entrance of waters of the United to any foreign vessels.

A motion was made, by Mr. DANA, that it be referred to the Committee on Foreign Relations.

Mr. TAYLOR moved to refer it to a select committee; and it was determined in the negative.

On motion, by Mr. CAMPBELL, the further consideration thereof was postponed to the first Monday in December next.

The Senate proceeded to consider the amendments disagreed to by the House of Representatives to the bill, entitled "An act laying duties on notes of banks, bankers, and certain companies; on notes, bonds, and obligations, discounted

by banks, bankers, and certain companies; and on bills of exchange of certain descriptions."

On motion, by Mr. KING, that the Senate insist on their amendments disagreed to, Mr. CAMPBELL moved that the Senate recede from their amendment to strike out of section 2, line 4, the word "two;" and insert "one."

Whereupon, on motion, by Mr. LEIB, that the further consideration of the bill be postponed to the first Monday in December next, it was determined in the negative—yeas 11, nays 18, as follows:

YEAS—Messrs. Dana, German, Gilman, Goldsborough, Gore, Hunter, King, Leib, Mason, Stone, and Wells.

NAYS—Messrs. Anderson, Bibb, Bledsoe, Bullock, Campbell, Condict, Fromentin, Gaillard, Giles, Howell, Lacock, Morrow, Robinson, Tait, Taylor, Turner, Varnum, and Worthington.

Resolved, That the Senate insist on all their amendments disagreed to, and ask a conference on the disagreeing votes of the two Houses on the bill last mentioned.

Ordered, That Messrs. KING, WORTHINGTON, and GILES, be the managers at the said conference on the part of the Senate.

A message from the House of Representatives informed the Senate that the House have passed the bill, entitled "An act allowing a bounty to the owners, officers, and crews, of private armed vessels of the United States;" also, a bill, entitled "An act making additional appropriations for the support of Government during the year 1813;" in which bills they request the concurrence of the Senate.

The two bills last mentioned were read, and passed to the second reading.

The bill, entitled "An act making additional appropriations for the support of Government during the year 1813," was read the second time by unanimous consent.

The amendment to the resolution fixing the time for the adjournment of the two Houses of Congress, having been reported by the committee correctly engrossed, the resolution was read a third time as amended.

Resolved, That this resolution pass with an amendment.

Mr. KING, from the managers on the part of the Senate at the conference on the bill, entitled "An act laying duties on licenses to retailers of wines, spirituous liquors, and foreign merchandise," reported certain modifications of the amendments disagreed to. Whereupon,

Resolved, That the Senate concur in the report of the conferees, and that the bill be amended accordingly.

The bill, entitled "An act for deducting the duties payable on prize goods captured by private armed vessels of the United States;" the bill, entitled "An act for the relief of George Lyon;" the bill, entitled "An act for the relief of Willet Warne;" and the bill, entitled "An act authorizing the sale of sundry lots, the property of the United States, in the borough of Pittsburgh," were severally read the second time.

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Government Loan.

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GOVERNMENT LOAN.

The following Message was received from the
PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

I transmit to the Senate a report of the Acting Secretary of the Treasury, containing the information requested by their resolution of the 27th instant.

JAMES MADISON.

WASHINGTON, July 28, 1813.

The report is as follows:

TREASURY DEPARTMENT, July 28, 1813.

In compliance with the resolution of the Senate, of the 27th instant, the Acting Secretary of the Treasury has the honor to report to the President of the United States—

That, by virtue of the act of February 8th, 1813, entitled "An act authorizing a loan for a sum not exceeding sixteen millions of dollars," and the authority of the President of the United States to the Secretary of the Treasury, of the 17th of the same month, a public subscription to a loan of sixteen millions of dollars was invited, by a notification issued on the 20th of February, 1813, in which the terms of the loan were specified; the most material of which terms were, that the subscribers should receive for each hundred dollars loaned to the United States, a certificate of six per cent. stock for one hundred dollars, and an annuity of one dollar, for thirteen years, from the 1st day of January, 1813. Of this notification, a copy is hereunto annexed, marked A.

The amount subscribed under this notification was \$3,956,400. A second notification was issued on the 18th of March, by which the books of subscription were notified to be re-opened on the 25th of March, and kept open until the 31st day of that month, on the same terms as the former subscription. Proposals were, at the same time, invited, for loaning to the United States the whole, or any part, of the sum of sixteen millions of dollars, which might remain unsubscribed on the 1st day of April, leaving the persons thus making their proposals, to state, themselves, the terms upon which they were willing to make the loan to the United States. And it was engaged, that, if any proposals, thus made, should be accepted, with terms differing from those of any other proposals that might also be accepted, or differing from the terms on which subscriptions had already been, or might be made prior to the 1st day of April, all the persons whose proposals might be accepted, and also all those who had subscribed, or might subscribe, prior to the first day of April, should have the option of accepting the terms allowed to any other persons whose proposals might be accepted. A copy of this notification is annexed, marked B.

The amount subscribed under this notification, from the 25th to the 31st of March, inclusive, was \$1,881,800. Proposals were sent in between the 1st and the 5th of April for loaning to the Government \$11,106,000, being \$944,200 more than could be received; and the further sum of \$1,000,000 was intended to be loaned by the State of Pennsylvania, but the offer was not made in time to be accepted. The sums offered were subsequently reduced to \$10,161,800, being the sum which, with the amount of the first and second subscriptions, made up the sixteen millions of dollars authorized to be borrowed.

The terms proposed by the persons who offered to loan the above sum, were of two descriptions:

1st. That the lenders were to receive a six per cent. stock, the interest payable quarter yearly, redeemable at the pleasure of the United States, at any time after the end of the year 1825, at the rate of *eighty-eight* per cent. or 100 dollars in stock for eighty-eight in money.

2d. That the lenders, for every hundred dollars in money, were to receive one hundred dollars in the same species of six per cent. stock, and an annuity for thirteen years, from the first of January, 1813, of one dollar and fifty cents, payable quarter yearly.

Two of the proposals also contained a condition, that if any other loan for the service of the year 1813, should be made under any law passed for that purpose, before the end of the year 1813, upon terms different from those allowed to the persons then making proposals, the option of taking those new terms should be extended to them. Copies of the letters containing these proposals are hereto annexed, marked C and D; and also a copy of the answer of the Secretary of the Treasury, by which those proposals were accepted, marked E. The other proposals contained no condition of this nature. They were accepted by letters of the Secretary of the Treasury of the same purport as that above referred to, marked E.

As the notification of the 18th of March contained an engagement that every contributor to the loan, whether under the first or second subscription, or under the proposals, should have the option of any of the terms allowed to any other contributor, a public notification was issued on the 15th of April, in which the terms allowed to the persons who had made proposals were stated, and the option as to the two kinds of stock was offered to all. A copy of this notification is subjoined, marked F.

No other contract in relation to any part of the loan of sixteen millions was entered into, than what resulted from the engagements contained in the public notifications above referred to, and the acceptance by the Secretary of the Treasury of the proposals made under those notifications.

All which is respectfully submitted.

WILLIAM JONES,

Acting Secretary of the Treasury.

C.

PHILADELPHIA, April 5, 1813.

SIR: In consequence of the notice given by the Treasury Department, under date of the 18th of March, 1813, that proposals will be received by you for the whole, or part of the residue of the loan of sixteen millions of dollars, we herewith beg leave to offer to take as much stock of the United States, bearing interest at six per cent. per annum, payable quarter yearly, the stock not to be redeemable before the 31st of December, 1825, at the rate of eighty-eight dollars for a certificate of one hundred dollars, as aforesaid, as will amount to the sum of eight millions of dollars, or to the residue of the said loan, provided you will agree to allow us the option of accepting the same terms that may be granted to persons lending money to the United States by virtue of any law authorizing another loan for the service of the year 1813, that Congress may pass before the last day of the present year.

It must be further understood and agreed to, that one quarter per cent. will be allowed us on the amount to which the present proposal will be accepted.

With regard to the payment of the instalments on the amount to be loaned by us, we shall expect to enter

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with you into such arrangements as will be mutually accommodating. We are, with high regard, &c.,

DAVID PARISH,
STEPHEN GIRARD.

Hon. A. GALLATIN, *Sec'y of the Treasury.*

To be paid at Stephen Girard's bank.

STEPHEN GIRARD,
For self and David Parish.
D.

PHILADELPHIA, April 5, 1813.

SIR: I will take for myself, and my friends in New York, two millions and fifty-six thousand dollars worth of the loan authorized by Congress in February last, receiving six per cent. stock at the rate of eighty-eight dollars, money, for one hundred dollars of six per cent. stock, payable in New York, by instalments, as proposed by you, or as may be otherwise agreed on. I understand that, in case Government should make another loan during the year, I am to be placed on as good footing as the lenders of money, or contractors, for that loan, will be. I also understand that I am to receive the quarter per cent. which is to be paid to persons procuring subscriptions to the present loan.

I am, very respectfully, &c.,

JOHN JACOB ASTOR.

Hon. A. GALLATIN, *Sec'y of the Treasury.*

E.

TREASURY DEPARTMENT, April 7, 1813.

GENTLEMEN: Your proposal for lending seven millions and fifty-five thousand eight hundred dollars to the United States, in part of the sixteen millions loan, is accepted. You will be pleased to deliver, before the 15th day of this month, to the cashier of Stephen Girard's bank, or such other, where, according to your proposals, the payments are intended to be made, the names of the persons embraced by your proposal, together with the sum respectively payable by each. Each will be entitled to receive in payment, at his option, either six per cent. stock, at the rate of eighty-eight per cent., or six per cent. stock at par, and a thirteen years' annuity of one and a half per cent. of the money loaned; which option must be made at the time of paying the first instalment. The payments shall be made in eight equal instalments, on the fifteenth day of April, May, June, July, August, September, October, and November. But every person, at the time of paying any of the instalments, may pay all, or any number of the subsequent instalments. Certificates of funded stock will, on the application of any subscriber for more than one hundred thousand dollars, be issued, on payment of any one instalment, for the amount of the next preceding instalment. In every other respect, the terms of the public notice of the 20th of February last will be considered as part of this agreement. I am, &c.,

ALBERT GALLATIN.

DAVID PARISH and STEPHEN GIRARD.

The same answer, changing only the sum, and the bank where payable, was made to John J. Astor.

FRIDAY, July 30.

Mr. ANDERSON, from the committee appointed the 27th May, on so much of the Message of the President of the United States as relates to the Military Establishment, reported a bill supplementary to the act, entitled "An act to amend the act in addition to an act, entitled 'An act to

raise an additional military force, and for other purposes;" and the bill was twice read by unanimous consent, and ordered to be engrossed and read a third time.

And the bill having been reported by the committee correctly engrossed, on motion, by Mr. ANDERSON, it was postponed indefinitely.

Mr. ANDERSON also reported the bill, entitled "An act explanatory of an act, entitled 'An act to raise ten additional companies of rangers,'" without amendment.

He also reported the bill, entitled "An act for the better regulation of the ordnance," with an amendment; which was considered and agreed to, and the bill was ordered to be read the third time as amended.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act concerning invalid pensioners."

On motion, by Mr. ROBINSON, the bill was amended, and the President reported it accordingly, and it was ordered to be read a third time as amended.

A message from the House of Representatives informed the Senate that they insist on their disagreement to the amendments of the Senate to the bill, entitled "An act laying duties on notes of banks, bankers, and certain companies; on notes, bonds, and obligations, discounted by banks, bankers, and certain companies; and on bills of exchange of certain descriptions;" they agree to the conference proposed on the subject, and have appointed managers on their part. The House have passed a bill, entitled "An act to authorize the appointment, by the President, of certain officers during the recess of the Senate;" in which they request the concurrence of the Senate.

The bill last mentioned was thrice read by unanimous consent, and passed.

Mr. GILES, from the committee to whom was referred the bill, entitled "An act authorizing a loan for a sum not exceeding seven millions five hundred thousand dollars," reported it with an amendment; which was read and agreed to, and the bill ordered to be read a third time as amended.

The amendment to the bill last mentioned having been reported by the committee correctly engrossed, the bill was read a third time as amended, by unanimous consent, and passed.

Mr. GILES reported the bill, entitled "An act making further provision for the collection of internal duties, and for the appointment and compensation of assessors," with amendments; which were read and agreed to, and the bill was ordered to be read a third time as amended.

The amendments to the bill last mentioned having been reported by the committee correctly engrossed, the bill was read a third time as amended, by unanimous consent, and passed.

The Senate resumed, as in Committee of the Whole, the resolution authorizing additional compensation for this session to the Secretary of the Senate, his clerks, &c., and the resolution was amended, and ordered to be engrossed and read a third time as amended.

The resolution having been reported by the

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committee correctly engrossed, was read a third time by unanimous consent, and passed, as follows:

Resolved, That the Secretary of the Senate pay, out of the contingent fund of this House, to Robert Tweedy, Benjamin G. Bowen, and Tobias Simpson, thirty-five dollars each, in addition to their usual allowances as attendants to the Senate; and to Charles Tims thirty-five dollars for his services during the session.

Mr. KING, from the managers on the part of the Senate at the conference on the bill, entitled "An act laying duties on banks, bankers, and certain companies; on notes, bonds, and obligations, discounted by banks, bankers, and certain companies; and on bills of exchange of certain descriptions," reported certain modifications of the amendments. Whereupon,

Resolved, That the Senate disagree to the report of the joint conferees, so far as respects the amendment proposed in the fourth line of the second section, which enables the banks to compound at one instead of two and a half per cent.; and do insist upon their amendment.

That the Senate do agree to the residue of the said report, and accordingly recede from their other amendments.

The bill, entitled "An act making additional appropriations for the support of Government during the year 1813," was resumed, read a third time by unanimous consent, and passed.

The Senate resumed, as in Committee of the Whole, the bill entitled "An act to provide for the widows and orphans of militia disabled, in the service of the United States," together with the amendment reported thereto by the select committee; and, having agreed to the amendment, the President reported it accordingly, and the bill was ordered to be read a third time as amended.

The amendment to the bill last mentioned having been reported by the committee correctly engrossed, the bill was read the third time as amended, by unanimous consent, and passed.

On motion, by Mr. DANA, the further consideration of the bill concerning evidence in cases of naturalization was postponed to the first Monday in December next.

The amendment to the bill, entitled "An act concerning invalid pensioners," having been reported by the committee correctly engrossed, the bill was read a third time as amended, by unanimous consent, and passed.

Mr. GAILLARD, from the committee to whom was referred the bill, entitled "An act for the relief of the officers and crew of the United States' brig Vixen," reported it with an amendment; which was read and agreed to, and the bill ordered to be read a third time as amended.

Mr. KING, from the managers on the part of the Senate at the conference on the bill, entitled "An act to lay and collect a direct tax within the United States," reported certain modifications thereof; and the report was adopted; and the bill amended accordingly.

The Senate resumed, as in Committee of the

Whole, the bill, entitled "An act giving further time for registering claims to lands in the late district of Arkansas, in the Territory of Missouri, and for other purposes;" and the bill having been amended, the President reported it accordingly, and it was ordered to be read a third time as amended.

Mr. ANDERSON, from the committee to whom was referred the bill, entitled "An act supplementary to an act, entitled 'An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes,' and to increase the pay of the volunteer and military corps," reported it without amendment; and, on his motion, the further consideration thereof was postponed to the first Monday in December next.

Mr. WORTHINGTON, from the committee to whom were referred the memorials of Ichabod B. Crane and Roger Jones, captains in the Army of the United States, reported the following resolution:

Resolved, That the Secretary of the Department of War be directed to lay before the Senate, at its next session, a roster of all the commissioned officers in the Army of the United States, in such form as will enable the Senate to judge upon all questions of regular or irregular promotions.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act reducing the duties payable on prize goods captured by the private armed vessels of the United States."

On motion, by Mr. MASON, to amend the bill, by inserting, after "war," third line, "by any public armed ship or vessel;" it was determined in the negative—yeas 7, nays 19, as follows:

YEAS—Messrs. Dana, German, Gilman, Gore, King, Lambert and Mason.

NAYS—Messrs. Anderson, Bibb, Bledsoe, Brent, Brown, Bullock, Campbell, Condict, Fromentin, Gaillard, Howell, Lacock, Leib, Morrow, Stone, Tait, Taylor, Turner, and Varnum.

On the question Shall this bill be read a third time? it was determined in the affirmative—yeas 18, nays 8, as follows:

YEAS—Messrs. Anderson, Bibb, Bledsoe, Brown, Brent, Bullock, Campbell, Condict, Fromentin, Gaillard, Howell, Lacock, Morrow, Stone, Tait, Taylor, and Varnum.

NAYS—Messrs. Dana, German, Gilman, Gore, King, Lambert, Mason, and Turner.

The Senate resumed, as in Committee of the Whole, the consideration of the bill establishing a district court in the Mississippi Territory; and the bill having been amended, the President reported it accordingly.

A motion was made by Mr. BULLOCK to postpone the further consideration thereof to the first Monday in December next, which was determined in the negative, and the bill was ordered to be engrossed and read a third time as amended.

The bill, entitled "An act allowing a bounty to the owners, officers, and crews, of the private armed vessels of the United States," was read the second time.

AUGUST, 1813.

Proceedings.

SENATE.

SATURDAY, July 31.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of David Henley;" and, no amendment having been proposed, it was read a third time by unanimous consent, and passed.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act for the relief of John James Dufour and his associates;" and, no amendment having been proposed, the bill was read a third time by unanimous consent, and passed.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act for the relief of Willet Warne;" and the bill was ordered to lie on the table.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of George Lyon;" and, on motion, by Mr. BLEDSOE, it was referred to a select committee, to consider and report thereon; and Messrs. BLEDSOE, TAIT, and GAILLARD, were appointed the committee.

The bill, entitled "An act to authorize the appointment, by the President, of certain officers during the recess of the Senate," was read a third time, and passed.

The bill, entitled "An act reducing the duties payable on prize goods captured by private armed vessels of the United States," was read a third time.

On the question, Shall this bill pass? it was determined in the affirmative—yeas 11, nays 11, as follows:

YEAS—Messrs. Anderson, Bledsoe, Brent, Bullock, Campbell, Condit, Fromentin, Howell, Lacock, Morrow, and Tait.

NAYS—Messrs. Dana, German Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Turner, and Wells.

The Senate being equally divided, the PRESIDENT determined the question in the affirmative.

Resolved, That this bill pass.

The bill, entitled "An act explanatory of an act, entitled 'An act to raise ten additional companies of rangers,'" was read a third time, and passed.

The bill, entitled "An act giving further time for registering claims to lands in the late district of Arkansaw, in the Territory of Missouri, and for other purposes," was read the third time as amended, and passed.

The bill establishing a district court in the Mississippi Territory, having been reported correctly engrossed, was read a third time, and the further consideration thereof postponed to the first Monday in December next.

The amendment to the bill, entitled "An act supplementary to an act, entitled 'An act for the better regulation of the ordinance,'" having been reported by the committee correctly engrossed, the bill was read a third time as amended, and passed.

The Senate resumed the consideration of the motion respecting the portraits of the late King and Queen of France; and on the question, Shall

this resolution be engrossed and read a third time? it was determined in the negative.

The bill, entitled "An act authorizing the sale of sundry lots, the property of the United States, in the borough of Pittsburg," was read the second time; and, on motion, the bill was read a third time by unanimous consent, and passed.

A message from the House of Representatives informed the Senate that the House have passed the bill, entitled "An act for the relief of Joshua Dorsey; in which they request the concurrence of the Senate.

The bill last mentioned was read, and passed to the second reading.

The Senate resumed the consideration of the resolution reported yesterday from the committee to whom were referred the memorials of Ichabod B. Crane and Roger Jones; and agreed thereto.

The amendment to the bill, entitled "An act for the relief of the officers and crew of the United States' brig Vixen," having been reported by the committee correctly engrossed, the bill was read a third time as amended and passed.

SUNDAY, August 1.

Mr. BLEDSOE, from the committee to whom was referred the bill, entitled "An act for the relief of George Lyon," reported it without amendment; and, on motion, it was read a third time by unanimous consent, and passed.

The bill, entitled "An act allowing a bounty to the owners, officers, and crews, of the private armed vessels of the United States," was resumed as in Committee of the Whole.

On the question, Shall this bill pass to a third reading? it was determined in the affirmative—yeas 16, nays 6, as follows:

YEAS—Messrs. Anderson, Bledsoe, Brown, Bullock, Condit, Gaillard, Giles, Howell, Lacock, Morrow, Robinson, Stone, Tait, Taylor, Turner, and Varnum.

NAYS—Messrs. Gilman, Goldsborough, Gore, King, Lambert, and Wells.

By unanimous consent, the bill was read a third time, and passed.

The bill, entitled "An act to amend and explain the acts regulating pensions to persons on board private armed ships," was resumed, as in Committee of the Whole; and, no amendment having been proposed, it was read a third time by unanimous consent.

On the question, Shall this bill pass? it was determined in the affirmative—yeas 13, nays 7, as follows:

YEAS—Messrs. Anderson, Bledsoe, Brown, Bullock, Gaillard, Howell, Morrow, Robinson, Stone, Tait, Taylor, Turner, and Varnum.

NAYS—Messrs. Condit, Gilman, Goldsborough, Gore, King, Lambert, and Wells.

Resolved, That this bill pass.

On motion, by Mr. KING,

Ordered, That the Sergeant-at-Arms be, and he is hereby, directed to remove the portraits of the King and Queen of France from the apartment in which they are now placed, and to put them up in one of the committee rooms of the

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Senate, causing the portraits to be first cleaned and repaired by a person skilful in such business.

Ordered, That the Sergeant-at-Arms be, and he is hereby, directed to sell the old furniture belonging to the Senate room, and remaining in the lower northwest room of the Capitol.

MONDAY, August 2.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act for the relief of Willet Warne."

On motion, it was read a third time by unanimous consent, and passed.

Resolved, That Messrs. VARNUM and GAILLARD be a committee on the part of the Senate, jointly with such committee as may be appointed by the House of Representatives, to wait on the President of the United States, and notify him that, unless he may have any further communications to make to the two Houses of Congress, they are ready to adjourn.

A message from the House of Representatives informed the Senate that the House of Representatives have appointed a committee on their part, to wait on the President of the United States and notify him of the intended recess of Congress.

Mr. VARNUM, from the committee, reported that they had waited on the President of the United States, who informed them that he had no further communications to make to the two Houses of Congress.

Whereupon, the VICE PRESIDENT, agreeably to the resolution of the two Houses, adjourned the Senate to the first Monday in December next.

EXECUTIVE PROCEEDINGS.

IN SENATE OF THE UNITED STATES.

SATURDAY, July 31, 1813.

On motion of Mr. LEIB,

Ordered, That there be furnished to any member applying for the same, an extract from the Executive record, comprehending the Messages from the President of the United States, in relation to the nominations of Albert Gallatin, John Q. Adams, and James A. Bayard, as Envoys Extraordinary and Ministers Plenipotentiary, to negotiate a Treaty of Peace and Commerce with the United Kingdom of Great Britain and Ireland, and a Treaty of Commerce with Russia, with the proceedings of the Senate thereon.

On motion by Mr. DANA,

Ordered, That the Secretary of the Senate cause the extract which may be furnished from the Executive record, as before mentioned, to be printed for the use of the members who may request the same.

MONDAY, May 31.

The following is an extract of a Message this day received from the President of the United States:

To the Senate of the United States :

Commissions having been granted during the recess of the Senate, to the following persons, I now nominate them to the same offices respectively annexed to their names: Albert Gallatin, John Q. Adams, and James A. Bayard, to be jointly and severally Envoys Extraordinary and Ministers Plenipotentiary, to negotiate and sign a Treaty of Peace with Great Britain, under the mediation of the Emperor of Russia; to negotiate and sign a Treaty of Commerce with Great Britain; and the said John Quincy Adams, Albert Gallatin, and James A. Bayard, to be jointly and severally Envoys Extraordinary and Ministers Plenipotentiary, to negotiate and sign a Treaty of Commerce with Russia.

JAMES MADISON.

WASHINGTON, May 29, 1813.

The Message was read, and ordered to lie for consideration.

NOTE.—A few other nominations of minor importance were contained in the Message.

WEDNESDAY, June 2.

The Senate resumed the consideration of the Message of the President of the United States of the 3d of May, nominating Albert Gallatin and others to offices; and

Mr. KING submitted the following resolutions for consideration, which were read:

Resolved, That the President of the United States be requested to cause to be laid before the Senate copies of the communications from the Emperor of Russia, offering his mediation to bring about a peace between the United States and Great Britain, together with copies of the answers to such communications, and noticing the dates at which the same were respectively received and answered.

Resolved, That the President of the United States be requested to cause to be laid before the Senate, copies of the commissions granted to Albert Gallatin, John Q. Adams, and James A. Bayard, to negotiate Treaties of Peace and Commerce with Great Britain, and a Treaty of Commerce with Russia.

Resolved, That the President of the United States be requested to inform the Senate whether Albert Gallatin, commissioned as one of the Envoys to treat of peace and commerce with Great Britain, and of commerce with Russia, retains the office of Secretary of the Department of the Treasury; and, in case of his so retaining the same, to inform the Senate under what authority, and by whom, the powers and duties of the head of the Treasury Department are discharged during the absence of Albert Gallatin from the United States.

THURSDAY, June 3.

The Senate proceeded to consider the first resolution submitted yesterday, by Mr. KING; and, on the question, "Will the Senate agree thereto?" it was determined in the negative—yeas 13, nays 18, as follows:

YEAS—Messrs. Anderson, Daggett, Dana, German, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Leib, and Smith.

NAYS—Messrs. Blodsoe, Bront, Brown, Bullock, Campbell, Chace, Condict, Cutts, Gaillard, Lacock,

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Morrow, Robinson, Stone, Tait, Taylor, Turner, Varnum, and Worthington.

The Senate proceeded to consider the second resolution, submitted yesterday by Mr. KING; and, on the question to agree thereto, it was determined in the negative.

The Senate proceeded to the consideration of the third resolution, submitted yesterday by Mr. KING; and, on the question, "Will the Senate agree thereto?" it was determined in the affirmative.

Ordered, That the Secretary lay the said resolution before the President of the United States.

MONDAY, June 7.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

In compliance with their resolution of the 3d instant, the Senate are informed that the office of the Secretary of the Treasury is not vacated, and that, in the absence of Albert Gallatin, commissioned as one of the Envoys to treat with Great Britain and Russia, the duties of that office are discharged by William Jones, Secretary of the Navy, authorized therefor according to the provisions of the act of Congress, entitled "An act making alterations in the Treasury and War Departments," passed May 8, 1792.

JAMES MADISON.

WASHINGTON, June 3 1813.

The Message was read for consideration.

The Senate resumed the consideration of the nomination of Albert Gallatin; and, on motion by Mr. GILMAN, it was agreed to take the question, to advise and consent, by yeas and nays.

Ordered, That the further consideration of the nomination be postponed until to-morrow.

TUESDAY, June 8.

The Senate resumed the consideration of the nomination of Albert Gallatin; and, on motion of Mr. BLEDSOE, the further consideration of the nomination was postponed until to-morrow; and it was agreed that the Senate adjourn.

WEDNESDAY, June 9.

The Senate resumed the consideration of the nomination of Albert Gallatin.

A motion was made by Mr. ANDERSON, to refer the said nomination to the consideration of a select committee, together with the Message of the 7th of June; and the Senate adjourned.

THURSDAY, June 10.

The Senate resumed the consideration of the nomination of Albert Gallatin, together with the motion to refer the consideration thereof to a select committee, as also the Message of the President of the United States, received the 7th June, to inquire and report thereon.

On the question to agree to the motion for reference, it was determined in the affirmative—yeas 20, nays 14, as follows:

YEAS—Messrs. Anderson, Bledsoe, Brown, Daggett, Dana, Fromentin, Gaillard, German, Giles, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Leib, Smith, Stone, and Wells.

NAYS—Messrs. Brent, Bullock, Campbell, Chace, Condict, Cutts, Lacock, Morrow, Robinson, Tait, Taylor, Turner, Varnum, and Worthington.

Resolved, That the nomination of Albert Gallatin, together with the Message of the President of the United States received the 7th instant, relative to the said nomination, be referred to Messrs. ANDERSON, KING, GILES, BROWN, and BLEDSOE, to inquire and report thereon.

MONDAY, June 14.

Mr. ANDERSON, from the committee appointed on the 10th instant, on the nomination of Albert Gallatin, reported:

"That, in obedience to the resolution authorizing the committee to inquire and report thereon, he had addressed a letter to the President of the United States, enclosing a copy of the resolution under which the committee were appointed; that he afterwards called on the President of the United States, who informed him, that he did not consider the authority given to the committee, by the resolution, such as to authorize them to call on him in their official character; but that, if they were especially instructed to call on him, he would freely receive them and appoint a time for that purpose."

And Mr. ANDERSON submitted the following resolutions for consideration, which were read:

Resolved, That, in the opinion of the Senate, the powers and duties of the Secretary of the Department of the Treasury, and of those of an Envoy Extraordinary to a foreign Power, are so incompatible, that they ought not to be, and remain, united in the same person.

Resolved, That the committee to whom was referred the nomination of Albert Gallatin, (Secretary of the Department of Treasury,) as an Envoy Extraordinary to treat of peace and commerce with Great Britain, and of commerce with Russia, be instructed to communicate the foregoing resolution to the President of the United States, and respectfully to confer with him upon the matter thereof.

TUESDAY, June 15.

The Senate proceeded to consider the first resolution submitted yesterday, by Mr. ANDERSON; and on motion, by Mr. ROBINSON, it was agreed that the question be taken thereon by yeas and nays; and after debate adjourned.

WEDNESDAY, June 16.

The Senate resumed the consideration of the resolutions submitted by Mr. ANDERSON, on the 14th instant; and, on the question to agree to the first resolution, it was determined in the affirmative—yeas 20, nays 14, as follows:

YEAS—Messrs. Anderson, Bledsoe, Brown, Daggett, Dana, Fromentin, Gaillard, German, Giles, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Leib, Smith, Stone, and Wells.

NAYS—Messrs. Brent, Bullock, Campbell, Chace,

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Condict, Howell, Lacock, Morrow, Robinson, Tait, Taylor, Turner, Varnum, and Worthington.

Resolved, That, in the opinion of the Senate, the powers and the duties of the Secretary of the Department of the Treasury, and those of an Envoy Extraordinary to a foreign Power, are so incompatible, that they ought not to be and remain united in the same person.

On the question to agree to the second resolution, it was determined in the affirmative—yeas 20, nays 14, as follows:

YEAS—Messrs. Anderson, Bledsoe, Brown, Daggett, Dana, Fromentin, Gaillard, German, Giles, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Leib, Smith, Stone, and Wells.

NAYS—Messrs. Brent, Bullock, Campbell, Chace, Condict, Howell, Lacock, Morrow, Robinson, Tait, Taylor, Turner, Varnum, and Worthington.

Resolved, That the committee to whom was referred the nomination of Albert Gallatin, Secretary of the Department of the Treasury, as an Envoy Extraordinary to treat of peace and commerce with Russia, be instructed to communicate the foregoing resolution to the President of the United States, and respectfully to confer with him upon the matter thereof.

MONDAY, July 19.

On motion by Mr. ANDERSON, it was agreed by unanimous consent to amend the record of the verbal report made by him on behalf of the committee, on the 14th June last, as follows:

In the — line of the reports of the committee on the nomination of Albert Gallatin, after the word "States," insert "a copy of which accompanies this report,"—line after "him" insert "and the specific object should be designated,"—line 15, after the word "consideration," insert "as chairman of the committee:" so that the record of the report will stand amended as follows:

"Mr. ANDERSON, from the committee appointed the 10th instant, on the nomination of Albert Gallatin, reported:

"That in obedience to the resolution authorizing the committee to inquire into and report thereon, he had addressed a letter to the President of the United States, a copy of which accompanies this report, enclosing a copy of the resolution under which the committee were appointed; that he afterwards called on the President of the United States, who informed him that he did not consider the authority given to the committee, by the resolution, such as to authorize them to call on him in their official character, but, that, if they were especially instructed to call upon him, and the specific object should be designated, he would freely receive them, and appoint a time for that purpose."

Copy of a letter from the Chairman of the Committee on the nomination of Albert Gallatin, to the President of the United States.

CAPITOL HILL, June 11, 1813.

SIR: I take leave to enclose you a copy of a resolution of the Senate. The committee appointed by that resolution, have directed me to inform you that they will wait on you at such time as you may please

to appoint, in order to commune with you upon the matter referred to them.

Accept assurances of my high respect.

JOSEPH ANDERSON.

Mr. ANDERSON then made this further report to wit:

"The committee to whom was referred the nomination of Albert Gallatin, to be one of the Envoys Extraordinary and Ministers Plenipotentiary to negotiate and sign a treaty of peace with Great Britain, under the mediation of the Emperor of Russia; to negotiate and sign a treaty of commerce with Great Britain; and to negotiate and sign a treaty of commerce with Russia, together with the Message of the President of the United States of the 7th June report:

"That, according to the instructions of the Senate of the 16th June, the committee, through its chairman, addressed a note to the President of the United States, on the 12th instant, a copy of which accompanies this report; and, in reply thereto, the President addressed a note to the chairman on the 14th instant, which note also accompanies this report, appointing Friday the 16th instant, to receive the committee, to communicate the aforesaid resolution of the Senate, and apprizing the committee of his late Message to the Senate, containing the grounds on which he would be obliged to decline the proposed conference with the committee. Upon due consideration of this reply, the committee deemed it an incumbent duty to wait on the President according to his appointment, and to present to him both the resolutions of the Senate, in relation to the nomination referred to the committee, and did accordingly wait on him and present them. When the President was pleased to observe to the committee in substance, that he was sorry the Senate had not taken the same view of the subject which he had done, and that he regretted that the measure had been taken under circumstances which deprived him of the aid or advice of the Senate. After the committee had remained a reasonable time for the President to make any other observations if he thought proper to do so, and observing no disposition manifested by him to enter into further remarks, the committee retired without making any observations on the matter of the resolutions, or in reply to those made by the President.

Copy of a letter from the Chairman of the Committee, on the nomination of Albert Gallatin, to the President of the United States.

JULY 12, 1813.

SIR: The committee to whom was referred the nomination of Albert Gallatin to be one of the Envoys Extraordinary and Minister Plenipotentiary to negotiate and sign a treaty of peace with Great Britain, under the mediation of the Emperor of Russia, to negotiate and sign a treaty of commerce with Great Britain, and to negotiate and sign a treaty of commerce with Russia, together with the Message of the President of the 7th of June, have directed me to enclose you a copy of two resolutions passed by the Senate, and to request that you will be pleased to appoint such time to receive the committee as may entirely comport with your own convenience.

The committee sincerely lament, that your indisposition for some time past has been such as would have rendered it improper to have addressed you upon this subject at an earlier period; and are now much gratified to learn that you are so far restored to your health as to be enabled to attend to your official duties.

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Accept my best wishes for a perfect restoration of your health, and assurance of my high respect.

JOSEPH ANDERSON,
Chairman of the Committee.

PRESIDENT'S REPLY

J. MADISON presents his respects to Mr. ANDERSON, and informs him that he will, on Friday next, at 11 o'clock receive the Committee of the Senate instructed to communicate to the President their resolution of the 16th ultimo. The committee are apprized, by his late message to the Senate, of the grounds on which he will be obliged to decline the proposed conference with the committee upon the matter of that resolution.

WEDNESDAY, July 14, 1813.

Whereupon, the nominations of Albert Gallatin, John Q. Adams, and James A. Bayard, agreeably to the Message of the President of the United States of the 31st May last, were resumed.

On the question, Will the Senate advise and consent to the appointment of Albert Gallatin? it was determined in the negative—yeas 17, nays 18, as follows:

YEAS—Messrs. Bibb, Bledsoe, Brent, Brown, Bullock, Campbell, Chace, Condict, Howell, Lacock, Morrow, Robinson, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS—Messrs. Anderson, Daggett, Dana, Fromentin, Gaillard, German, Giles, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Leib, Mason, Smith, and Stone.

On motion by Mr. WORTHINGTON, to postpone the nominations of John Q. Adams and James A. Bayard until to morrow, it was determined in the negative.

On motion by Mr. BULLOCK, that the nominations of John Q. Adams and James A. Bayard be postponed until to morrow, it was determined in the negative—yeas 16, nays 12, as follows:

YEAS—Messrs. Bibb, Brent, Bullock, Campbell, Chace, Condict, Gaillard, Howell, Lacock, Morrow, Robinson, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS—Messrs. Anderson, Bledsoe, Brown, Daggett, Dana, Fromentin, German, Giles, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Leib, Mason, Smith, and Stone.

On the question, Will the Senate advise and consent to the appointment of John Q. Adams? it was decided in the affirmative—yeas 30, nays 4, as follows:

YEAS—Messrs. Anderson, Bledsoe, Brent, Brown, Bullock, Chace, Condict, Daggett, Fromentin, Gaillard, Giles, Gilman, Goldsborough, Gore, Horsey, Howell, Hunter, King, Lambert, Leib, Mason, Morrow, Robinson, Smith, Stone, Tait, Taylor, Turner, and Worthington.

NAYS—Messrs. Dana, German, Lacock, and Varnum.

On the question, Will the Senate advise and consent to the appointment of James A. Bayard? it was determined in the affirmative—yeas 27, nays 6, as follows:

YEAS—Messrs. Anderson, Bibb, Bledsoe, Brent, Brown, Bullock, Chace, Daggett, Fromentin, Gaillard, Giles, Gilman, Goldsborough, Gore, Horsey, Howell, Hunter, King, Lambert, Leib, Mason, Smith, Stone, Tait, Taylor, Turner, and Worthington.

NAYS—Messrs. Dana, German, Lacock, Morrow, Robinson, and Varnum.

Resolved, That the Senate do advise and consent to the appointments of John Q. Adams and James A. Bayard, agreeably to their nominations, respectively; and that they do not advise and consent to the appointment of Albert Gallatin.

Ordered, That the Secretary lay the foregoing resolution before the President of the United States.

Mr. GORE, submitted the following motions for consideration; which were read, and ordered to lie on the table.

The President of the United States having, by the Constitution, "power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session :

Resolved, That, in the opinion of the Senate, no such vacancy can happen in any office not before full.

Resolved, That in the opinion of the Senate, the office of Envoy Extraordinary and Minister Plenipotentiary, to negotiate and sign a treaty of peace with the United Kingdom of Great Britain and Ireland, had not been filled at any time after the declaration of war upon the 18th day of June, A. D. 1812, and before the recess of the Senate, upon the third day of March last, when the same was not full.

Resolved, That the granting of commissions to Albert Gallatin, John Q. Adams, and James A. Bayard, to be Envoys Extraordinary and Ministers Plenipotentiary, to negotiate and sign a treaty of peace with the United Kingdom of Great Britain and Ireland, during the late recess of the Senate, as, in the President's message to the Senate, of the 29th day of May last, is stated to have been done, was not, in the opinion of the Senate, authorized by the Constitution, inasmuch as a vacancy in that office did not happen during such recess of the Senate, and as the Senate had not advised and consented to their appointment. Whereupon,

Resolved, That while the Senate venerate the authority and dignity of the office of the President of the United States, and will, at all times, as a high and essential power in the Constitution, exert themselves to maintain and preserve undiminished the whole Executive authority thereby established, they owe it to the trust confided to themselves, as well as to the States, their constituents, to protect the power over appointments to office, which the Constitution has placed in that body.

From these considerations, joined to the conviction that the rights of the Senate have been infringed, by an important act, to the validity of which the advice and consent of the Senate were essential, the Senate find themselves called upon, by their duty to the States, and in support of the Constitution, reluctantly to protest, and they do hereby solemnly protest, against the commissioning, as aforesaid, of Albert Gallatin, John Q. Adams, and James A. Bayard, as an act not authorized by the Constitution, and in the performance of which the power of the Senate has been disregarded.

Resolved, That an authenticated copy of the foregoing resolution be delivered to the President, by a committee of — members of the Senate.

SATURDAY, July 31.

On motion, by Mr. DANA, that on application of any member of the Senate, an extract be fur-

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nished from the Executive record comprehending the Messages of the President of the United States, in relation to the nomination of Jonathan Russell, to be Minister Plenipotentiary of the United States to Sweden, and the proceedings of the Senate thereon, it was determined in the affirmative—yeas 15, nays 11, as follows:

YEAS—Messrs. Anderson, Dana, Fromentin, Gaillard, German, Giles, Gilman, Goldsborough, Gore, Hunter, King, Lambert, Leib, Turner, and Wells.

NAYS—Messrs. Brent, Bullock, Campbell, Howell, Lacock, Morrow, Stone, Tait, Taylor, Varnum, and Worthington.

MONDAY, August 2.

On motion, by Mr. LEIB,

Ordered, That the Secretary cause to be printed, for the use of the Senate, an extract from the Executive Journal, comprehending the several Messages from the President of the United States, with the documents and the proceedings of the Senate on the nomination of Jonathan Russell to be Minister Plenipotentiary of the United States to Sweden.

MONDAY, May 31.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

The Swedish Government having repeatedly manifested a desire to exchange a public Minister with the United States, and having lately appointed one with that view, and other considerations occurring to render it advisable at this period to make a corresponding appointment, I nominate Jonathan Russell, of Rhode Island, to be Minister Plenipotentiary of the United States to Sweden.

JAMES MADISON.

MAY 29, 1813.

The Message was read, and ordered to lie for consideration.

TUESDAY, June 1.

The Senate took into consideration the Message from the President of the United States of yesterday, nominating Jonathan Russell to office; and, on motion by Mr. GOLDSBOROUGH, the further consideration thereof was postponed.

Mr. GOLDSBOROUGH submitted the following motion for consideration; which was read:

Resolved, That the President of the United States be requested to inform the Senate when, and by whom, the first intelligence was officially communicated to the Department of State, of the repeal of the Berlin and Milan decrees, and at what time the first official information of the repeal of these decrees was given to the American Chargé des Affaires at Paris.

WEDNESDAY, June 2.

The Senate resumed the consideration of the nomination of Jonathan Russell, together with the motion submitted yesterday by Mr. GOLDSBOROUGH; and, on motion by Mr. KING, the motion was amended and agreed to as follows:

Resolved, That the President of the United States be requested to inform the Senate whether any communication has been received from Jonathan Russell, admitting or denying the declaration of the Duke of Bassano to Mr. Barlow, that he had informed his predecessor of the repeal of the Berlin and Milan decrees at the date of that decree.

Ordered, That the resolution, together with the nomination of Jonathan Russell, be referred to Mr. GOLDSBOROUGH, Mr. ANDERSON, and Mr. KING, to consider and report thereon.

Mr. ANDERSON submitted the following motion for consideration; which was read.

Resolved, That the President of the United States be requested to cause to be laid before the Senate, the correspondence which may have passed between the United States and the King of Sweden, respecting the interchange of public Ministers between the said Governments.

THURSDAY, June 3.

The Senate proceeded to consider the resolution submitted by Mr. ANDERSON; and on the question, Will the Senate agree thereto? it was determined in the affirmative—yeas 17, nays 12, as follows:

YEAS—Messrs. Anderson, Bledsoe, Daggett, Dana, Gaillard, German, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Leib, Smith, Stone, and Tait.

NAYS—Messrs. Brent, Bullock, Chace, Condict, Cutts, Lacock, Morrow, Robinson, Taylor, Turner, Varnum, and Worthington.

Ordered, That the Secretary lay the said resolution before the President of the United States.

MONDAY, June 7.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

I transmit to the Senate a report of the Secretary of State, complying with their resolution of the third instant.

JAMES MADISON.

JUNE 7, 1813.

The report and documents are as follow:

DEPARTMENT OF STATE, June 7, 1813.

The Secretary of State, to whom was referred the resolution of the Senate of the third instant, requesting the President to cause to be laid before the Senate the correspondence which may have passed between the United States and the King of Sweden, respecting the interchange of public Ministers, has the honor to report to the President that no direct correspondence has taken place on the subject.

In reference to the object of the resolution, the Secretary of State submits several extracts of letters from Mr. Speyer, Consul of the United States at Stockholm, and a letter from Mr. Beasley, Commissary of Prisoners at London, by which the wishes and intentions of the Swedish Government in relation to the interchange of Ministers have been made known to this Department. Respectfully submitted,

JAMES MONROE.

*Executive Proceedings.**Mr. Beasley to the Secretary of State.*

LONDON, December 12, 1813.

SIR: Referring to my letter of the 10th instant, I have now the honor to transmit a copy of the letter which I informed you that I had received from Mr. Speyer, and of that which I stated it was my intention to address to him, on the subject of our relations with Sweden.

Notwithstanding the present apparent irritation of the Swedish Government, I have been assured by Mr. De Kantzow, and I learn from other sources, that it has invariably manifested the most friendly disposition towards the United States. Those American vessels which have sought shelter in its ports have experienced perfect protection. British cruisers are not allowed, within its territories, to dispose of prizes they make from the United States; and, in some instances, the protection of Swedish convoy has been afforded to American vessels passing through the Sound.

Indeed, this circumstance, Mr. De Kantzow informed me, had been mentioned to him by Lord Castlereagh with no satisfaction.

I fear, however, that the arts and intrigues of our enemy will, if not speedily counteracted, produce a state of things equally unfriendly. I collect from various quarters that considerable dissatisfaction is entertained by the Swedish Government that the United States have not appointed a Minister near it.

The jealousy which has long existed between Sweden and Denmark, is said to have contributed no little to the feeling to which this mission has given rise, seeing that the United States have had a Minister near the Danish Government. Mr. De Kantzow seemed anxious to know whether a Minister was or would be appointed; and I am inclined to believe that his stay here is prolonged on that account.

The Crown Prince is fond of court and splendor; the Government is poor; and, to say nothing of the two great spoliators, the example of Denmark is immediately before it.

I beg to add, that the result of all the information I can collect is, that the fate of all the American property, now in the dominions of Sweden, will depend on the course which the Government of the United States may pursue on this critical and delicate emergency.

I have the honor to be, &c.

R. G. BEASLEY.

Extract of a letter from John Speyer, Esq., Consul of the United States at Stockholm, to the Secretary of State, dated

STOCKHOLM, January 18, 1813.

The Minister of Foreign Affairs, in the course of our conversation yesterday, mentioned that both the King and Prince Royal were desirous to maintain and extend the friendly relations and commercial intercourse now subsisting between us, and intend to send a Minister or Chargé des Affairs to the United States. He would name the person designated for that mission, were it ascertained whether he accepted of it.

Extract of a letter from the same to the same, dated

STOCKHOLM, January 21, 1812.

The gentleman mentioned in my No. 10, as intended to be sent to the United States, is Mr. Kantzow, who lately returned from Brazil, where he resided, Chargé des Affaires of the King, several years. He had before been Consul General of Sweden, in Portugal.

He informed me, yesterday, that he was to go as Chargé des Affaires, which he refused, but consented to accept the appointment as Minister.

From the personal knowledge I have of Mr. Kantzow, I think him well calculated to contribute to the good understanding of our respective Governments.

Extract—Mr. Speyer to the Secretary of State.

STOCKHOLM, March 31, 1812.

On the 24th, the Minister of Foreign Affairs told me that the King had, on that day, directed him to inform me, that he would send Mr. Kantzow as Minister Resident to the United States. I understand that Mr. Kantzow is to leave this with his family, early in May, by way of England.

Extract—Same to the same.

OREBRO, May 18, 1812.

Mr. Kantzow, who is appointed Minister to the United States, is still here; he expects to receive his instructions soon, when he will set out on his voyage.

Extract—From the same to the same.

STOCKHOLM, September 25, 1812.

Mr. Kantzow has received his credentials as Minister Resident at Washington, and was despatched from Orebro on the 15th ultimo. He is now in London, and will probably remain there next winter. The Prince Royal informed me, on the 4th instant, that he had directed Mr. Kantzow to represent to the English Government his desire to see a good understanding restored with the United States.

Extract—From the same to the same, dated

STOCKHOLM, September 25, 1812.

As this Government expect the appointment of a Minister or a Chargé des Affaires, in return for Mr. Kantzow's mission, I have not presented the commission as Consul for this place. I am apprehensive it might be ungraciously received here after their notification of the appointment of a Minister.

NOMINATION OF JONATHAN RUSSELL.

MR. GOLDSBOROUGH, from the committee to whom was referred, on the 2d instant, the nomination of Jonathan Russell, reported:

That, in pursuance of the order of the Senate, the committee met the Secretary of State by appointment at the office of the Department of State, when they were informed by the Secretary, that there was no official denial or admission of Mr. Jonathan Russell, that the allegation of the Duke of Bassano to Mr. Barlow, referred to, was true; but that he (the Secretary) had a private letter from Mr. Russell subsequent to the allegation of the Duke of Bassano, in which he understood that allegation to be unequivocally denied.

And, on motion, it was ordered that the further consideration of said nomination be postponed.

MR. GOLDSBOROUGH submitted the following motion for consideration, which was read:

Resolved, That it is inexpedient at this time to send a Minister Plenipotentiary to Sweden.

FRIDAY, June 11.

The Senate resumed the consideration of the nomination of Jonathan Russell, together with

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the motion of Mr. GOLDSBOROUGH thereon of the 7th instant.

And, on motion, by Mr. SMITH, it was agreed to take the question on the said nomination by yeas and nays.

A motion was made by Mr. WELLS, that the nomination of Jonathan Russell, and the motion of Mr. GOLDSBOROUGH on the subject, together with the Message of the President of the United States, of the 7th instant, with the communications therein mentioned, be referred to a committee to inquire and report thereon.

And, after debate, on motion, by Mr. GILES, it was agreed that the subject be postponed.

MONDAY, June 14.

The Senate resumed the consideration of the nomination of Jonathan Russell, together with the motion submitted thereon by Mr. WELLS, on the 11th instant, and the motion was amended, and agreed to as follows:

Resolved, That the nomination of Jonathan Russell, and the motion of Mr. Goldsborough on the subject, together with the Message of the President of the United States, of the 7th instant, with the communications therein mentioned, be referred to a committee, with instruction respectfully to confer with the President of the United States upon the subject of the said nomination, and report thereon.

Ordered, That Messrs. WELLS, GILES, and KING, be the committee.

TUESDAY, July 6.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

I have received from the committee appointed by the resolution of the Senate of the 14th day of June, a copy of that resolution, which authorizes the committee to confer with the President on the subject of the nomination made by him of a Minister Plenipotentiary to Sweden.

Conceiving it to be my duty to decline the proposed conference with the committee, and it being uncertain when it may be convenient to explain to the committee, and through them to the Senate, the grounds of my so doing, I think it proper to address the explanation directly to the Senate. Without entering into a general review of the relations in which the Constitution has placed the several departments of the Government to each other, it will suffice to remark, that the Executive and Senate, in the cases of appointments to office and of treaties, are to be considered independent and co-ordinate with each other. If they agree, the appointments or treaties are made. If the Senate disagree, they fail. If the Senate wish information previous to their final decision, the practice, keeping in view the Constitutional relation of the Senate and Executive, has been, either to request the Executive to furnish it, or refer the subject to a committee of their body to communicate, either formally or informally, with the head of the proper department. The appointment of a committee of the Senate to confer immediately with the Executive himself, appears to lose sight of the co-ordinate relation between the Executive and the Senate, which the Constitution has

established, and which ought therefore to be maintained.

The relation between the Senate and House of Representatives, in whom legislative power is concurrently vested, is sufficiently analogous to illustrate that between the Executive and Senate in making appointments and treaties. The two Houses are in like manner independent of and co-ordinate with each other; and the invariable practice of each in appointing committees of conference and consultation is to commission them to confer, not with the co-ordinate body itself, but with a committee of that body: and, although both branches of the Legislature may be too numerous to hold conveniently a conference with committees, were they to be appointed by either to confer with the entire body of the other, it may be fairly presumed, that if the whole number of either branch were not too large for the purpose, the objection to such a conference, being against the principle, as derogatory from the co-ordinate relations of the two Houses, would retain all its force.

I add only that I am entirely persuaded of the purity of the intentions of the Senate, in the course they have pursued on this occasion, and with which my view of the subject makes it my duty not to accord: and that they will be cheerfully furnished with all the suitable information in possession of the Executive, in any mode deemed consistent with the principles of the Constitution, and the settled practice under it.

JAMES MADISON.

WASHINGTON, July 6, 1813.

THURSDAY, July 8.

Mr. WELLS, from the committee appointed the 14th of June, on the nomination of Jonathan Russell, reported the correspondence between the President of the United States and the committee; also a letter from the Secretary of State to the committee; which were read.

[The copy of the Chairman's letter to the President, communicating a transcript of the resolution of the Senate of the 14th of June, 1813, and inquiring of him when it would be convenient for the President to receive the committee of the Senate, is not on file.]

In answer to the letter above referred to, the following note was received from the President:

"James Madison presents his respects to Mr. Wells, and will receive the committee of the Senate, appointed by their resolution, of the 14th instant, to confer with the President, at 11 o'clock, to-morrow.

"TUESDAY, June 15, 1813."

At the time mentioned in the above note, the committee heard, at the door of the President's house, of his indisposition, and resolved to defer waiting upon him until they were informed of his recovery.

In the afternoon of this day, the chairman of the committee received from the President the following note:

"The President of the United States regrets that the error of his watch, and the precipitancy of his servant, prevented his seeing, at 11 o'clock, to-day, the committee of the Senate, on the subject referred to them.

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"If the state of his health should not permit him to see the committee, he will apprise them of it in time.

"JUNE 16, 1813."

The following are copies of two notes received by the committee from the President of the United States:

"James Madison being too much indisposed to see the committee this morning, is obliged to postpone it until to-morrow, at 11 o'clock.

"THURSDAY, June 17, 1813."

"James Madison is sorry that a continuance of his indisposition will not permit him to see the committee of the Senate to-day, nor can he at present fix a day when it will be in his power.

"FRIDAY MORNING, June 18."

The following is a copy of a letter from Mr. Monroe to the committee:

"DEPARTMENT OF STATE, June 23, 1813.

"GENTLEMEN: The indisposition of the President continuing, I am instructed by him to express to you his great regret at the delay to which it has already subjected the proceedings of the Senate on the nomination of the Minister Plenipotentiary from the United States to Sweden. To prevent any further delay from that cause, he has authorized me to confer with you on that subject, and to communicate to you any information which you may be desirous of obtaining from the Executive relating to it.

"I will have the honor to meet you for this purpose, at such place and hour as you will have the goodness to appoint.

"I have the honor to remain, gentlemen, very respectfully, your obedient, humble servant,

"JAMES MONROE.

"Hon. Messrs. WELLS, GILES, and KING."

The following is an answer from the chairman of the committee:

"COMMITTEE ROOM, June 24, 1813.

"SIR: The committee of the Senate, appointed to confer, respectfully, with the President of the United States, on the nomination made by him of a Minister Plenipotentiary to Sweden, have had the honor, this morning, to receive your letter of yesterday.

"The committee heard with real concern of the continued indisposition of the President; but, as they presume that there are connected with this nomination no considerations of so urgent a nature as to require an immediate decision upon it, they will wait with pleasure for the conference they have been ordered by the Senate to request of the President, until the restoration of his health takes place.

"I have the honor, sir, to be, with the highest consideration, your very obedient servant,

W. H. WELLS,

Chairman Committee of Senate.

Hon. J. MONROE, *Sec'y of State.*

A motion was made by Mr. GOLDSBOROUGH, "That the several resolutions, and communications with the President of the United States, the Secretary of State, and the Senate, upon the subject of the Swedish nomination, be referred to a committee."

On motion, by Mr. SMITH, it was agreed to postpone the consideration of this motion in order to take up the nomination of Jonathan Russell, and the motion thereon by Mr. GOLDSBOROUGH, to wit: "That it is inexpedient at this

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time to send a Minister Plenipotentiary to Sweden."

On motion, by Mr. TAIT, it was agreed that the question on the motion last mentioned, be taken by yeas and nays.

Whereupon, on motion, the Senate adjourned.

FRIDAY, July 9.

The Senate resumed the consideration of the nomination of Jonathan Russell, of Rhode Island, to be Minister Plenipotentiary to Sweden, together with the motion of Mr. GOLDSBOROUGH, under consideration yesterday, thereon; and, on the question to agree to the motion, it was determined in the affirmative, yeas 22, nays 14, as follows:

YEAS—Messrs. Anderson, Bibb, Bledsoe, Brown, Daggett, Dana, Fromentin, Gaillard, German, Giles, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lacock, Lambert, Leib, Mason, Stone, and Wells.

NAYS—Messrs. Brent, Bullock, Campbell, Chace, Condict, Howell, Morrow, Robinson, Smith, Tait, Taylor, Turner, Varnum, and Worthington.

Resolved, That it is inexpedient, at this time, to send a Minister Plenipotentiary to Sweden.

Ordered, That the Secretary lay this resolution before the President of the United States.

TUESDAY, July 20.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

[CONFIDENTIAL.]

To the Senate and House of Representatives of the United States:

There being sufficient ground to infer that it is the purpose of the enemy to combine with the blockade of our ports special licenses to neutral vessels, or to British vessels in neutral disguises, whereby they may draw from our country the precise kind and quantity of exports essential to their wants, whilst its general commerce remains obstructed; keeping in view, also, the insidious discrimination between the different ports of the United States; and as such a system, if not counteracted, will have the effect of diminishing very materially the pressure of the war on the enemy, and encouraging a perseverance in it, at the same time that it will leave the general commerce of the United States under all the pressure the enemy can impose, thus subjecting the whole to British regulation, in subserviency to British monopoly; I recommend to the consideration of Congress the expediency of an immediate and effectual prohibition of exports, limited to a convenient day in their next session, and removable in the meantime in the event of a cessation of the blockade of our ports.

JAMES MADISON.

WASHINGTON, July 20, 1813.

The Message was read, and referred to the committee who have under consideration so much of the Message of the President of the United States as concerns our foreign relations, to consider and report thereon by bill or otherwise.

FRIDAY, July 23.

A message from the House of Representatives, by Messrs. GRUNDY and ROBINSON, two members of that body—Mr. GRUNDY, chairman:

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Mr. President: The House of Representatives have passed a bill, entitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States;" in which they request the concurrence of the Senate; and that the bill may be considered by the Senate confidentially.

The bill was read; and, on motion by Mr. SMITH, it was read the second time by unanimous consent, and referred to the committee who have under consideration the Message of the President of the United States on the same subject, to consider and report thereon.

On motion, by Mr. LEIB, the bill was ordered to be printed for the use of the Senate, under an injunction of secrecy.

SATURDAY, July 24.

Mr. CAMPBELL, from the committee to whom was referred the bill, entitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," reported it amended. Whereupon,

On motion by Mr. GILES, the further consideration thereof was postponed to, and made the order of the day for, Monday next.

MONDAY, July 26.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States;" together with the amendments reported thereto by the select committee. And having amended the amendment to read as follows:

"Section 1, line 8, after the word "stores," insert, "or goods, wares, and merchandise, other than provisions, on board of such foreign ship or vessel, when notified of this act:"

And, on the question to agree to the amendment as amended, it was determined in the affirmative—yeas 22, nays 9, as follows:

YEAS—Messrs. Anderson, Bibb, Bledsoe, Bullock, Chace, Conduct, Dana, Gaillard, German, Giles, Gilman, Goldsborough, Gore, Horsey, Howell, Hunter, King, Lambert, Leib, Mason, Wells, Worthington.

NAYS—Messrs. Campbell, Lacock, Morrow, Robinson, Stone, Tait, Taylor, Turner, and Varnum.

On motion, by Mr. BROWN, to amend the bill, as follows:

"Section 2, line 5, strike out "specie, goods, wares, merchandise, produce," and insert "naval stores:"

It was determined in the negative—yeas 11, nays 23, as follows:

YEAS—Messrs. Bibb, Bledsoe, Brown, Dana, Fromentin, Gilman, Goldsborough, Gore, King, Lambert, and Wells.

NAYS—Messrs. Brent, Bullock, Campbell, Chace, Conduct, Gaillard, Gilman, German, Giles, Horsey, Howell, Hunter, Lacock, Leib, Mason, Morrow, Robinson, Smith, Stone, Tait, Taylor, Turner, Varnum, and Worthington.

On motion, by Mr. BIBB, to postpone the further consideration of the bill to the first Monday

in December next, it was determined in the negative—yeas 16, nays 18, as follows:

YEAS—Messrs. Bibb, Brown, Dana, Fromentin, German, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Mason, Stone, Varnum, and Wells.

NAYS—Messrs. Bledsoe, Brent, Bullock, Campbell, Chace, Conduct, Gaillard, Giles, Howell, Lacock, Leib, Morrow, Robinson, Smith, Tait, Taylor, Turner, and Worthington.

On motion, by Mr. KING, to strike out the seventh section, it was determined in the negative—yeas 16, nays 18, as follows:

YEAS—Messrs. Bibb, Brown, Dana, Fromentin, German, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Leib, Mason, Smith, and Wells.

NAYS—Messrs. Bledsoe, Brent, Bullock, Campbell, Chace, Conduct, Gaillard, Giles, Howell, Lacock, Morrow, Robinson, Stone, Tait, Taylor, Turner, Varnum, and Worthington.

On motion, by Mr. GOLDSBOROUGH, to strike out the 14th section, it was determined in the negative—yeas 12, nays 21, as follows:

NAYS—Messrs. Dana, Fromentin, German, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Mason, and Wells.

NAYS—Messrs. Anderson, Bibb, Bledsoe, Brent, Brown, Bullock, Campbell, Chace, Conduct, Gaillard, Giles, Howell, Lacock, Morrow, Robinson, Smith, Stone, Tait, Taylor, Turner, and Varnum.

A motion was made, by Mr. DANA, further to amend the bill; and, on motion, by Mr. SMITH, it was agreed that the further consideration of the bill be postponed until to-morrow.

WEDNESDAY, July 28.

The Senate resumed the consideration of the bill, entitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States."

And the motion, by Mr. DANA, to strike out of section 12, lines 7, 8, 9, 10, 11, the words, "or in any manner apparently on their way towards the territories of a foreign nation or the vicinity thereof, or towards a place whence such articles are intended to be exported, or place in the possession of the enemies of the United States," was resumed; and determined in the negative—yeas 15, nays 18, as follows:

YEAS—Messrs. Anderson, Bibb, Brown, Dana, Fromentin, German, Gilman, Goldsborough, Gore, Hunter, King, Lambert, Mason, Taylor, and Wells.

NAYS—Messrs. Bledsoe, Brent, Bullock, Campbell, Chace, Conduct, Gaillard, Giles, Howell, Lacock, Leib, Morrow, Robinson, Stone, Tait, Turner, Varnum, and Worthington.

And the bill having been further amended, the President reported it to the House accordingly.

On motion, by Mr. CAMPBELL, it was agreed to take the question on the third reading of this bill by yeas and nays.

On the question, Shall this bill be read a third time as amended? it was determined in the negative—yeas 16, nays 18, as follows:

YEAS—Messrs. Bledsoe, Brent, Bullock, Campbell,

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Chace, Condict, Gaillard, Howell, Lacock, Leib, Robinson, Tait, Taylor, Turner, and Worthington.

NAYS—Messrs. Anderson, Bibb, Brown, Dana, Fromentin, German, Giles, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Mason, Stone, Varnum, and Wells.

Ordered, That Messrs. CAMPBELL and VARNUM be a committee, confidentially, to inform the House of Representatives that the Senate do not concur in this bill.

On motion, by Mr. HORSEY, that the injunction of secrecy touching the Message of the President of the United States of the 20th instant, and the proceedings of the Senate on the bill,

entitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," be, and the same is hereby removed.

On motion, by Mr. LEIB, the further consideration thereof was postponed until to-morrow.

THURSDAY, July 29.

Mr. CAMPBELL, from the committee appointed yesterday to carry a confidential message to the House of Representatives, reported that they had performed the service.

The Senate proceeded to consider the motion submitted yesterday respecting the injunction of secrecy, and it was agreed to.

PROCEEDINGS AND DEBATES

OF THE

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

AT THE FIRST SESSION OF THE THIRTEENTH CONGRESS, BEGUN AT THE CITY OF
WASHINGTON, MONDAY, MAY 24, 1813.

MONDAY, May 24, 1813.

This being the day appointed by law for the meeting of Congress, precisely at twelve o'clock the late Clerk of the House of Representatives called to order the members of the House of Representatives present in the Hall; and the roll of the members was called over by States, when it appeared one hundred and forty-eight members had answered to their names, viz:

From New Hampshire—Bradbury Cilley, William Hale, Samuel Smith, Roger Vose, Daniel Webster, and Jeduthan Wilcox.

From Massachusetts—William Baylies, Abijah Bigelow, George Bradbury, Elijah Brigham, Samuel Davis, William Ely, Levi Hubbard, Cyrus King, Timothy Pickering, John Reed, William Reed, Nathaniel Rugles, Samuel Taggart, Artemas Ward, Laban Wheaton, John Wilson, and James Parker.

From Connecticut—Euphroditus Champion, John Davenport, jr., Lyman Law, Jonathan O. Moseley, Timothy Pitkin, Lewis B. Sturges, and Benjamin Tallmadge.

From Rhode Island—Richard Jackson, jr., and Elisha R. Potter.

From Vermont—William C. Bradley, Ezra Butler, James Fisk, Richard Skinner, and Charles Rich.

From New York—Daniel Avery, Egbert Benson, Oliver C. Comstock, Peter Denoyelles, Jonathan Fisk, James Geddes, Thomas P. Grosvenor, Moss Kent, John Lefferts, John Lovett, Jacob Markell, Morris S. Miller, Hosea Moffitt, Thomas I. Oakley, Jotham Post, jr., Ebenezer Sage, Samuel Sherwood, Zebulon R. Shipherd, John W. Taylor, Joel Thompson, and Elisha I. Winter.

From New Jersey—Lewis Condict, William Cox, Jacob Hufty, Richard Stockton, and Thomas Ward.

From Pennsylvania—William Anderson, David Bard, Robert Brown, William Crawford, John Conard, Roger Davis, William Findley, John Gloninger, Isaac Griffin, Charles J. Ingersoll, Samuel D. Ingham, Jared Irwin, Aaron Lyle, William Piper, Jonathan Roberts, Adam Seybert, Isaac Smith, Adamson Tannehill, and James Whitehill.

From Maryland—Stevenson Archer, Joseph Kent, Alexander McKim, Samuel Ringgold, Philip Stuart, and Robert Wright.

From Virginia—Thomas M. Bayly, James Breck-

enridge, William A. Burwell, Hugh Caperton, John Clopton, John Dawson, John W. Eppes, Thomas Gholson, Peterson Goodwyn, Aylett Hawes, John P. Hungerford, John Kerr, Joseph Lewis, jr., William McCoy, Hugh Nelson, Thomas Newton, James Pleasants, jr., John Roane, John Smith, and Francis White.

From North Carolina—Willis Alston, Peter Forney, William Gaston, William Kennedy, William R. King, Nathaniel Macon, William H. Murfree, Joseph Pearson, Israel Pickens, and Richard Stanford.

From South Carolina—John C. Calhoun, John J. Chapell, Elias Earle, David R. Evans, Samuel Farrow, Theodore Gourdin, and John Kershaw.

From Georgia—William Barnett, William W. Bibb, John Forsyth, Thomas Telfair, and George M. Troup.

From Kentucky—James Clarke, Henry Clay, Joseph Desha, William P. Duvall, Samuel McKee, Thomas Montgomery, and Solomon P. Sharp.

From Tennessee—John H. Bowen, Felix Grundy, Thomas K. Harris, Perry W. Humphreys, John Rhea, and John Sevier.

From Ohio—John Alexander, James Caldwell, James Kilbourn, and John McLean.

From Louisiana—Thomas B. Robertson.

A large majority having been thus ascertained to be present, on motion of Mr. FINDLEY the House proceeded to the choice of a SPEAKER by ballot.

Mr. LEWIS, Mr. ROBERTS, and Mr. McKIM, the tellers named by the Clerk, having counted the ballots, Mr. LEWIS reported that the votes were as follows:

| | | | | | | |
|----------------|---|---|---|---|---|----|
| HENRY CLAY | - | - | - | - | - | 89 |
| TIMOTHY PITKIN | - | - | - | - | - | 54 |
| Scattering | - | - | - | - | - | 5 |

It was accordingly declared that Mr. CLAY was duly elected, and he was conducted by the tellers to the Chair, from which, after having been sworn, he addressed the House in the following words:

GENTLEMEN: In returning to the station in which I am replaced by a continuance of your favor, whilst I am sensible of the honor which I have received, I am sensible also of my inability to fulfil the expectations justly raised by so elevated a distinction; but, gentlemen, the experience I have had, limited as it is, has satisfied me that, in the maintenance of the order of

H. OF R.

Standing Committees.

MAY, 1813.

the House, less depends upon the presiding officer than upon the sense of the necessity of decorum being generally diffused throughout the body. Then only will a deliberative assembly be well governed, and its business agreeably transacted, when each member, identifying the reputation of the body to which he belongs in his own, shall make the preservation of its order an affair of personal and individual concern, and shall render to the Chair a candid, liberal, and unbiassed support. Under the hope and persuasion that you participate with me in these sentiments, I shall proceed to administer the duties you have been pleased to assign me.

The members were then sworn in by States.

JONATHAN JENNINGS having also appeared, and produced his credentials as the Delegate from the Indiana Territory, the oath was administered to him.

The House then proceeded to the choice of a Clerk; when PATRICK MAGRUDER was declared to be chosen, he having 111 votes.

On motion of Mr. FINDLEY, Thomas Claxton was reappointed Doorkeeper to the House, Thos. Dunn Sergeant-at-Arms, and Benjamin Burch Assistant Doorkeeper.

The usual orders were then adopted in respect to furnishing the members with papers, &c.

A message from the Senate informed the House that a quorum of the Senate is assembled, and ready to proceed to business; they have appointed a committee, on their part, to wait on the President of the United States, and inform him that a quorum of the two Houses is assembled, and ready to receive any communication he may be pleased to make them. The Senate have resolved that two Chaplains, of different denominations, be appointed to Congress during the present session, one by each House, who shall interchange weekly.

Mr. DAWSON and Mr. WINTER were appointed a committee, on the part of this House, to wait on the President of the United States, and inform him that a quorum of the two Houses is assembled, and ready to receive any communication he may be pleased to make to them.

TUESDAY, May 25.

Several other members, to wit: from Vermont, WILLIAM STRONG; from New York, ALEXANDER BOYD and WILLIAM S. SMITH; from Delaware, THOMAS COOPER; from Virginia, JOHN G. JACKSON; and from North Carolina, MESHACK FRANKLIN; appeared, produced their credentials, were qualified, and took their seats.

Mr. DAWSON, from the joint committee appointed yesterday to wait on the President of the United States, and to inform him that a quorum of the two Houses was assembled, and ready to receive any communication he may be pleased to make to them, reported that the committee had performed that service, and that the President answered that he would make a communication to the two Houses to-day at twelve o'clock.

A Message was then received from the PRESIDENT OF THE UNITED STATES.

The Message was read, and committed to a Committee of the Whole on the state of the Union.

[For this Message, see Senate Proceedings of this date, *ante* p. 14.]

The House proceeded to consider the resolution from the Senate for the appointment of Chaplains; and the same being read, was concurred in.

WEDNESDAY, May 26.

Several other members, to wit: from Massachusetts, DANIEL DEWEY; from New York, NATHANIEL HOWELL; from New Jersey, JAMES SCHUREMAN; and from Maryland, ALEXANDER C. HANSON, and NICHOLAS R. MOORE; appeared, produced their credentials, were qualified, and took their seats.

The House then proceeded to ballot for a Chaplain, and, upon examining the ballot, it appeared that the Reverend JESSE LEE was duly elected.

STANDING COMMITTEES.

On motion of Mr. GOODWYN, the following Standing Committees were appointed, viz:

Committee of Elections—Mr. Fisk, of Vermont, Mr. Burwell, Mr. Davenport, Mr. Anderson, Mr. Condict, Mr. Avery, and Mr. Pickering.

Committee of Ways and Means—Mr. Eppes, Mr. Bibb, Mr. Pleasants, Mr. Roberts, Mr. Pitkin, Mr. Gourdin, and Mr. Montgomery.

Committee of Claims—Mr. Archer, Mr. Brown, Mr. Moseley, Mr. Sage, Mr. Stanford, Mr. Goodwyn, and Mr. Caldwell.

Committee of Commerce and Manufactures—Mr. Newton, Mr. McKim, Mr. W. Reed, Mr. Benson, Mr. Seybert, Mr. Parker, and Mr. Telfair.

Committee on the Public Lands—Mr. McKee, Mr. Robertson, Mr. Breckenridge, Mr. Bigelow, Mr. McLean, Mr. King, of North Carolina, and Mr. Conard.

Committee for the District of Columbia—Mr. Dawson, Mr. Kent, of Maryland, Mr. Lewis, Mr. Pearson, Mr. Ringgold, Mr. Grosvenor, and Mr. Bowen.

Committee on Post Offices and Post Roads—Mr. Rhea, of Tennessee, Mr. Lyle, Mr. Franklin, Mr. Law, Mr. Jackson, of Rhode Island, Mr. Bradley, and Mr. Sharp.

Committee of Revision and Unfinished Business—Mr. Alston, Mr. Ely, and Mr. Roane.

Committee of Accounts—Mr. Pickens, Mr. Moore, and Mr. Winter.

REFERENCE OF THE MESSAGE.

On motion of Mr. DAWSON, the House resolved itself into a Committee of the Whole on the state of the Union, for the purpose of taking into consideration the President's Message.

The following resolutions were moved by Mr. DAWSON, and adopted without objection:

Resolved, That so much of the Message as relates to the Military Establishment of the United States be referred to a select committee.

Resolved, That so much as relates to the Naval Establishment, be referred to a select committee.

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Resolved, That so much as relates to the Revenue, be referred to the Committee of Ways and Means.

On motion of Mr. GRUNDY, it was

Resolved, That so much of the Message as relates to Foreign Affairs, be referred to a select committee.

After the adoption of these resolves,

Mr. CLAY (Speaker) rose and adverted to that part of the Message which alludes to the inhumanity of the enemy, expressed his abhorrence of the enormities committed by them, as well in the massacre of our citizens on the Western frontier, as the conflagration of our little towns on the maritime border. The latter outrage had not been pretended to be denied, but had been apologized for (by whom he did not say) on the pretence that our people had first fired on one of their flags. Although he believed the allegation false, he was glad that it was thought necessary to make any apology for it. The facts, however, in both cases, ought to be inquired into and distinctly ascertained. If found to be as public report had stated them, they called for the indignation of all Christendom, and they ought to be embodied in an authentic document, which might perpetuate them on the page of history. These were substantially the remarks, with which Mr. CLAY prefaced the following resolution:

Resolved, That so much of the Message of the President of the United States as relates to the spirit and manner in which the war has been waged by the enemy, be referred to a select committee.

The resolution was adopted without opposition or division.

The Committee then rose, and the several resolutions adopted in Committee of the Whole were agreed to by the House.

After these resolutions were agreed to,

Mr. GROSVENOR moved to reconsider the resolution moved in Committee by the Speaker, for the purpose of amending it. Quoting the Message of the President, he said, that the barbarity of the enemy was therein contrasted with the humanity which had characterized the war on our part. He wished to see the evidence on this head also, and therefore was desirous of amending the resolution, if reconsidered, by adding, after the words "by the enemy," the words "and by this nation."

Mr. DESHA suggested the propriety of recommending the subject to the Committee of the Whole on the state of the Union, that the mover of this resolve (Mr. Speaker CLAY) might have an opportunity of speaking to it, if reconsidered.

Mr. GROSVENOR said he had not the slightest objection to this course. He also intimated a disposition to withdraw the motion he had made.

Mr. WRIGHT took the floor. He was opposed to the proposed reconsideration, principally because he thought the amendment suggested would cast a reflection, by insinuation, on the conduct of our officers. He was not disposed at this moment to give his sanction to a procedure which would be a libel on our land and naval officers, who had distinguished themselves during the war as much

by their humanity as by their valor. The same pen which recorded the great exploits of our Navy would record the humanity along with the bravery of its officers. [The SPEAKER here apprized Mr. W. that he had misunderstood the gentleman from New York, if he had supposed him to have cast any imputation on the conduct of our officers.] Mr. W. then said he wished to know, that he might act understandingly, whether it was intended to insinuate or suggest that there had been any impropriety of conduct on our part; or whether, in referring the subject to a committee, it was intended to state any facts or show any cause in support of that reference. He hoped the resolve would not be reconsidered; although, if there were the slightest ground for such a course, he should not hesitate to institute an inquiry into the conduct of any individual who should have dared to violate the usages of war, so sacredly observed by the Government and our people in general.

Mr. GROSVENOR said he had merely wished, as the object of the honorable Speaker had been avowed on making his motion to be the obtaining of an historical document to perpetuate the barbarity of the enemy, and as in the Message that barbarity had been contrasted with our humanity, that the facts on the one hand should accompany those on the other. He should hope, he said, that the call for such a paper would be far from presenting a libel on our officers, as the gentleman from Maryland seemed to suppose. Mr. G. was not however solicitous about the fate of his motion, for which he said he felt but little anxiety.

The question for reconsideration was then taken and lost—yeas 62, nays 74.

Mr. Calhoun, Mr. Grundy, Mr. Desha, Mr. Jackson, of Virginia, Mr. Ingersoll, Mr. Fisk, of New York, and Mr. Webster, were appointed the Committee on Foreign Relations.

Mr. Troop, Mr. Sevier, Mr. Wright, Mr. Stuart, Mr. Taylor, Mr. Tallmadge, and Mr. Tannehill, were appointed the Committee on the Military Establishment.

Mr. Nelson, Mr. Ward, of Massachusetts, Mr. Alston, Mr. Stockton, Mr. Skinner, Mr. Davis, of Pennsylvania, and Mr. Post, were appointed the Committee on Naval Affairs.

Mr. Macon, Mr. Forsyth, Mr. Wright, Mr. Gaston, Mr. Clarke, Mr. Humphreys, and Mr. Cooper, were appointed the Committee on the spirit and manner in which the war has been waged by the enemy.

THURSDAY, May 27.

Another member, to wit: from Pennsylvania, JOHN M. HYNEMAN, appeared, was qualified, and took his seat.

Mr. GHOLSON presented a petition of John Taliaferro, of Virginia, complaining of the undue election and return of John P. Hungerford, as one of the Representatives from that State, and praying that an examination may take place, and that he may be admitted to a

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seat in the House in the place of the said John P. Hungerford.

Mr. EPPES presented a petition of Burwell Bassett, of the State of Virginia, complaining of the undue election and return of Thomas M. Bayly, as one of the Representatives from that State, and praying that an examination may take place, and that he may be admitted to a seat in the House, in the place of the said Thomas M. Bayly.

Ordered, That the said petitions be severally referred to the Committee of Elections.

Mr. JENNINGS presented the memorial of the Legislative Council and House of Representatives of Indiana Territory, stating that, from the harassed situation of that Territory, the ordinary avocations of the people have been interrupted, and the people disabled from making payments for the public lands they have purchased, and praying that further time may be allowed therefor.—The petition was referred to the Committee of Public Lands.

A message from the Senate informed the House that the Senate have appointed a committee on their part, jointly, with such committee as this House may appoint, to have the direction of the money appropriated to the purchase of books and maps for the two Houses of Congress.

The House proceeded to consider the message, and concurred therein; and Mr. SEYBERT, Mr. ROBERTSON, and Mr. STURGES, were appointed of the committee on the part of the House.

FRIDAY, May 28.

Several other members, to wit: from Massachusetts, ABIEL WOOD; from Pennsylvania, JOHN REA and JOHN WILSON; from Virginia, DANIEL SHEFFEY; from South Carolina, WILLIAM LOWNDES; from Georgia, BOLLING HALL, and from Kentucky, STEPHEN ORMSBY; appeared, produced their credentials, were qualified, and took their seats.

After the reception of sundry petitions, the House adjourned to Monday.

MONDAY, May 31.

Several other members, to wit: from Maryland, CHARLES GOLDSBOROUGH; from North Carolina, JOHN CULPEPER; and from South Carolina, LANGDON CHEVES, appeared, produced their credentials, were qualified, and took their seats.

Mr. GRUNDY presented a petition of William Kelly, of the State of Tennessee, praying to be admitted to a seat in this House, in the place of THOMAS K. HARRIS, one of the Representatives from that State.—Referred to the Committee of Elections.

Mr. JENNINGS presented a petition of the Legislature of the Indiana Territory, praying Congress to confirm the sale of certain lands sold by the said Legislature for the benefit of an university in said Territory.—Referred to the Committee on the Public Lands.

The SPEAKER laid before the House a letter

from the Commissioner of the General Land Office, transmitting a copy of the report of the land commissioners for the district of Kaskaskia. The letter was referred to the Committee on the Public Lands.

On motion of Mr. ROBERTSON, the Committee of Commerce and Manufactures were instructed to inquire into the expediency of establishing a port of entry and delivery at the town of Mobile, in the Mississippi Territory, with leave to report by bill or otherwise.

STENOGRAPHERS.

Mr. GROSVENOR presented the petition of George Richards, stating, that he had during the last session reported the proceedings of the House for the Federal Republican newspaper; and that on application at the present session for the like privilege, he had been excluded by the decision of the honorable SPEAKER; and praying to be admitted as heretofore for the purpose of reporting debates.

Mr. G. moved to refer the petition to a select committee.

Mr. GRUNDY remarked that this was one of those questions which there was no occasion to refer to a committee, as the House were as well qualified to decide on it as any committee could be.

Mr. GROSVENOR urged the reference of this memorial to a committee, as the best mode of ascertaining whether any stenographers could be admitted on the floor, consistently with the convenience of the House, and a course which would be, perhaps, more decorous to the Chair than any other.

Mr. TROUP suggested the propriety of referring the memorial to a Committee of the Whole. He said the paper, and the mode of its introduction into the House, were calculated directly or indirectly to convey to the House and to the public an intimation that the Speaker had acted with injustice in relation to the individual petitioning. It seemed proper, therefore, that the Speaker should have an opportunity of explaining the grounds on which he had acted.

Mr. WRIGHT was opposed to any reference of the petition at all. It was a subject belonging peculiarly to the Speaker himself to decide on. The words of the rules of the House were: "The Speaker may admit stenographers wishing to take debates," &c. The admission of them was a mere indulgence, which the Speaker might extend to such persons as he thought proper. It could not be the right of every editor in the United States to send a stenographer into this House; and he believed the honorable Speaker would feel no hesitation in declaring the motives which induced him to exclude the petitioner. Mr. W. felt himself warranted on this occasion in making one or two remarks in relation to the paper for which this application had been made. He said that it had been in the practice of publishing a report of speeches on one side only. Who were the editors of this paper? It was not known. They did not appear on the face of the paper.

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In an *N. B.* to a letter of Cobbett to the Prince Regent, he had declared that these men were in British pay; that the Federal Republican was edited under British influence. They had not thought proper to institute a suit against Porcupine for this charge. A similar charge had been made by the papers in this country. They had instituted a suit against one of them—"The American;" but, as he had been informed, had discontinued it. Mr. Speaker, I recollect a speech of your's which ought to have been recorded in letters of gold; it was sought after with avidity, but it was not to be found in the Federal Republican, for whom this Mr. Richards then reported. Was this fair or impartial conduct? Mr. W. adverted to an article, in which the editors of the Federal Republican had recommended any man, whose letters had been opened by the American agent for cartels at Annapolis, to horsewhip the President for it. He also read part of an article which appeared in the Federal Republican of this morning, in relation to the defence of Baltimore, and reprobated it in strong terms. The nation would applaud the decision of the Speaker on excluding this stenographer from the House.

Mr. HANSON had hoped the question, would pass off without the necessity of any interference on his part—thus saving his breath. Being in such a state of extreme debility as to forbid any active, personal, or intellectual exertion, he would gladly have been relieved from the necessity of taking a share in the debate. But he could not look on with indifference, betraying a treacherous composure, while other gentlemen bore the heat and burden of the contest. Such a course would subject him to a suspicion of something more than delicacy. No; he was constrained by peculiar circumstances to take the floor; he felt himself bound to enter his protest against an act, in his judgment arbitrary and oppressive, partial and unjust; oppressive, as related to the very respectable gentleman petitioning for relief, and partial as regarded the minority, and a large body of people, in a considerable section of country, accustomed to look for information exclusively through that channel, now arbitrarily attempted to be blocked up; that the circulation of the journal in question, he believed, exceeded that of any other in the Union.

Mr. H. then stated the circumstances of the case; the admission of Mr. Richards last year, and the arrangement which now excluded him, confining the admission of stenographers to three Democrats and one Federalist, who was only a reporter nominally, giving a rough sketch of the proceedings, but not pretending to write out debates. The talents with which the paper (the *Alexandria Gazette*) was conducted, and the respectability of the editors he admitted, but it was a mere mockery to say the Speaker had given the minority a reporter, while the Treasury bench had three reporters.

Mr. H. referred the House to the journals of the first session of the seventh Congress, when the subject of admitting stenographers was first taken up. He stated that case at length. He

then asked, after this decision, when all the old members now in Congress on the other side of the House, were against giving any discretion to the Speaker, in limiting the number or saying who they should be,—after this, and when so much has been often said about the Federal reign of terror, it is now attempted to exclude the stenographers of one party, and to keep information from the people. Stenographers might be banished to the gallery, because obnoxious to that side of the House; and this side of the House, entitled to equal rights, might be put to inconvenience, but the light of truth could not be shut out from the people. It might as well be attempted to supersede, by a visionary human code, the fixed laws of nature—to change the principles of gravitation, and cause lead to ascend, or sparks to fly downwards; it might as well be attempted to shift the bed of the Chesapeake, or change the course of old Potomac, as attempt to crush the spirit of opposition, to stifle investigation, change the nature of truth, or shut out its light from the people. Vain expectation! You may bar up your doors, nail down your windows, block up the chimneys, stop every crevice in this spacious hall, cork even the keyhole, still will the rays of resistless truth pierce these solid walls, and shed their light upon the land.

Mr. H. said, in relation to government, the people, their rights, and immunities, and public liberty, he confessed he entertained some old fashioned republican opinions, not yet grown entirely into disuse, which he could not shake off, or exchange for the new-fangled notions of modern times. He need not remind the House, that as yet no privileged order was known to the *written* Constitution of the country; that its framers contemplated mildness, equality, equity, and justice, as the distinguishing characteristic features of all laws enacted, and rules and regulations made in its virtue; not for the particular exclusive convenience of a favored class of the community, whose passions and domineering dispositions are to be gratified at the cost of others' rights. He need not remind the House, that as yet no written or known law existed to dry up the fountains of intelligence, or confine the use of their wholesome waters to the King, his household, and the tumultuous retinue at his heels, who keep the requisite supply of *lip-service* and "*eye-service* which the worldlings pay to power." He need not tell the Chair, that the press in this free country, as yet, had no prefect set over it by law, and he cherished a devout hope that the House, constituted even as it was, would think none necessary, though the anointed should sigh for the distinction of being placed at the head of the prefecture.

Mr. H. said, when the celebrated Roman usurper had passed the Rubicon, and was tracking his way to the Capitol to possess himself of the treasury, he was met at the door by a stubborn tribune of the people, who alleged, that the principles of a free form of government, and the laws, were against such an outrage. "*The laws! the laws!*" said Cæsar—"arms and laws do

'not flourish together. If you are not pleased with what I am about, you have only to withdraw. Indeed war will not bear much liberty of speech. You, and all whom I have found exciting a spirit of faction against me, are at my disposal.' Had you, sir, been Metellus, said Mr. H., how would you have acted? Had I been Metellus, I would have told the usurper, "I am not pleased with what you are about, but I will not withdraw. I will do my duty to the people, and maintain the laws of my country; at the same moment I would have struck down the daring usurper. All who are found exciting a spirit of faction against me are at my disposal, and shall be treated accordingly." How like the language of the present day. A spirit of *faction!* a spirit of faction against usurpation, tyranny, oppression, and lawless violence. "They who are not for me are against me, and shall be treated accordingly." They who continue to exercise the freedom of speech, to assert and maintain the liberty of the press, to support the Constitution in its pristine unsunned purity—they who constitutionally oppose the worst acts of a bad administration, are to have their voices stifled by "the cord of justice." For one, I shall defend my rights at every hazard.

Mr. H. said he knew the power of the Chair, and was not ignorant of the source from which it was derived; from the same originally pure and healthy fountain from which also flowed his rights as a member of the House, and the rights of the humblest individual out of it. To rules and regulations constitutionally adopted for the government of the House, and impartially and constitutionally enforced, he would pay at all times a scrupulous and implicit obedience, but he would resist oppression; he would part with his mortal power of respiration, with his last breath, short as might be the number of his days, before he would submit to the slightest encroachment from authority—he would meet opposition in the eye. A rule of the House had none of that plastic virtue—was not that convenient thing which could be converted into a sort of political parasol, to be distended and collapsed as caprice or expediency might suggest, to shelter one side of the House from the rays of authority, while the other was left bare-headed and exposed to the scorching beams of royal indignation, to the peltings of the pitiless storm.

He said, if the act of which the minority, possessing equal rights with the majority, complained so justly, was done under a rule of the House, and that rule had been abused, it was in the power of the House, for the furtherance of justice, to dispense with, enlarge, or abolish it, so as to extend the relief prayed for. He supposed the case of a new order of things, compelling the Speaker to give way to a successor of different political persuasion, and asked how the gentlemen on the other side of the House would feel, would *act*, if no other stenographers were admitted in the House but those agreeable to the majority? The country would ring with their complaints—the clamor would resound through the Union.

And yet such was the case with the present minority, excepting a nominal reporter. How then ought they to feel—how *act*—when thus trampled on by an overbearing majority, disposed to put their heels upon their adversaries' necks, whilst protected in their own rights?

Mr. H. concluded by saying, he knew he forgot what he owed to his own character, in noticing the aspersions of the member from Maryland, (Mr. WRIGHT,) but he had no hesitation in pronouncing the charge of foreign influence against the *Federal Republican* a base calumny.

Mr. GROSVENOR declared, that the inflammable state of the body and mind of the gentleman from Maryland, should communicate no intemperate heat to him; nor should the turbulent and indecent invective of the gentlemen drive him into a course of conduct inconsistent with the respect due from him, not, indeed, to the gentleman, but to the Speaker and to the House.

He would not pay either the head or the heart of the Speaker so bad a compliment as to suppose the gentleman from Maryland had even glanced at the real motive which induced the order of exclusion referred to in the petition. For, Mr. G. asked, what possible connexion could exist between the case of the petitioner and the political character of the *Federal Republican Gazette*? Was there any gentleman on that floor, with the single exception of the fiery gentleman from Maryland, who would dare to avow that all reporters on that floor must be the devotees and tools of the majority; and that all the gazettes which did not offer daily incense to the idol of the day, were to be denounced on that floor—to be proscribed and persecuted by that House? Sir, I have better hopes, nay better certainty of the dispositions of the gentlemen who sit around me.

But in truth, and in fact, Mr. Richards was neither directly nor indirectly interested in that paper. He was a reporter, at a fixed salary; and so correct had his deportment always been, both as a gentleman in that House, and as a reporter of its proceedings and debates, that the tongue even of party violence had never heretofore uttered a complaint against him in either capacity. It was equally impracticable and useless to give all the speeches uttered here at full length; but their substance, without prejudice and without partiality, he had always reported. In extracting speeches from other papers, more on the one side than on the other might have been published in that paper. This was a matter wholly in the discretion of the editors, and for their conduct they were not responsible to the gentleman from Maryland or to the Speaker of this House. Like all other editors in these times of party violence, they sought to fill their columns with sentiments in accordance with their own. But, unlike most editors, they had at all times openly and boldly professed their principles; have defended them with a firmness and ability never excelled, and have been at all times ready to seal them with their blood. But, Mr. G. said, improper and irrelevant as all this manifestly was, the gentleman from Maryland had pushed his denunciation a

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step further. He had denounced the Federal Republican newspaper as being in British pay.

Mr. G. repeated, that no violence of the gentleman from Maryland should seduce him to imitate so bad an example. But, Mr. Speaker, said Mr. G., what is the proof of this outrageous calumny? Not surely its opposition to the measures of administration, nor yet the character of its political opinions—for in these it agrees with the best and the wisest patriots who ever adorned this country. Mr. G. said that the gentleman had pursued a different course to attain his object. He had introduced to the House a witness, a living witness, to establish his accusation.

And, as if miracles were never to cease, that witness is no other than William Cobbett, a man whom the political friends of the gentleman would better recognise under the name of "Peter Porcupine." Mr. G. asked, how long it was since this witness had become credible, in the opinion of the gentleman from Maryland? And at what period was he transformed into a good Republican authority? When did the accuser and the witness join hands, and begin to walk together in political unity and peace? Mr. G. had supposed that a Republican of the old school would have balanced long before he would have introduced so dangerous a witness to sustain his charges, because it is a maxim, as well of common sense as of law, that all he swears must be received as true, or repudiated as false. Mr. G. asked, if the gentleman would be hung on the first horn of the dilemma? Let him, then, travel back with me a few years to the early writings of that political renegado; and Cobbett himself shall know all the members of the present Administration, the veriest tools and satellites of France.

Nay, Mr. G. said, he would not answer for it, but the same witness should convict the gentleman himself of having been the mere creature of French influence. Would the gentleman, then, credit or discredit his own witness? He left him to choose his own alternative. But, one piece of advice he would offer the gentleman, never to sustain another calumny by a witness so foul, so rotten, so dangerous.

The denunciations of Peter Porcupine are the strongest proofs of worth, merit, and ability. I thought so when he was shooting the envenomed quills of the Porcupine in America. I think so now, that he is pouring forth the muddy torrent of slander and falsehood in his native country.

Mr. G. said, he had presented the petition, because he believed its prayer was reasonable; because, in his opinion, the exclusion of Mr. Richards was a hardship on himself, oppressive on the minority, and deeply injurious to the public.

If another reporter might be admitted without inconvenience to the House—and, on examination, not a doubt could remain that he might—then this exclusion was an unnecessary hardship on the petitioner. He understood that the Federal stenographer admitted, never attempted to report debates; the minority, therefore, were oppressively deprived of a reporter;—nearly six thou-

sand of the Federal Republican newspaper were distributed through every part of the country—and three times that number of papers in distant States depended on that paper for information of the proceedings of this House. At this session, interesting and important as it is, when you are about to heap tax on tax to support this disastrous war, to spread taxgatherers through every portion of the continent, is it not utterly subversive of the rights of the people suddenly to obstruct this wide channel of information, to draw even this narrow curtain between your conduct and the public eye? It had been suggested this course was calculated to cast a censure upon the Speaker. He said, no such idea was suggested by the petition, nor had he in any manner questioned the motives of the Speaker. It would be indecent and unjust, in this stage of the business, to cast one shade upon the purity of his motives. He said, he only questioned the correctness of his judgment. He charged the Speaker with no crime, nor, strictly speaking, with any impropriety of conduct; but he did charge him with an error of judgment, in excluding George Richards from the floor, at the same time that he admitted three Democratic and but one Federal reporter. That judgment was subject to revision, and that error to correction in the House.

And Mr. G. called on the House to send the petition to a special committee, whose report might be committed to a Committee of the whole House. Then, said he, the Speaker will be on the floor, and may assign the motives and reasons which induced him to exclude Mr. Richards from the House.

Mr. WRIGHT said, he had stated that the paper appeared to have no editors; that Cobbett had told the Prince Regent that its putative editors were in British pay. He stated that he had been informed the "American" had charged them with being under British influence; that they had instituted a suit against the editors of that paper, but had discontinued it. The gentleman (Mr. HANSON) could tell whether the information was true or not. He had thought it his duty to state it. If he had wounded the feelings of any gentleman, he knew where to seek the remedy. [The SPEAKER called to order.] He had not said whether he believed the charge; but he would now tell the gentleman that he did believe the editors of the Federal Republican were under British influence; that the paper was corruptly published; and, what he conscientiously believed, he was prepared to seal with his blood.

Mr. HANSON rejoined, in the following manner: In his beautiful little poem, entitled "Retrospection," Cumberland somewhere says—

"I've heard, and silently sate by, the whilst
Dogmatic ignorance, when proudly back'd
By an imposing gravity of face,
And copious flow of senatorial wig,
Passed off for argument, and seen, withal,
The sycophant, who in his heart despis'd
And ridicul'd the nonsense, smile assent."

Now, sir, once for all, I wish it to be distinctly understood, that nothing which can fall from that

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quarter, (pointing to Mr. WRIGHT,) nothing which that member could think, utter, or do, can possibly disturb my breast, or make the slightest impression upon my feelings. This is the first and last time I can bestow upon him any notice whatever. The charge of foreign influence, I again pronounce groundless and false. The ravings and wild effusions of Cobbett, I have never read, nor regard more than the ravings of the member—still less, should I think of travelling to England or Baltimore, in pursuit of justice; although it is proper to say, the suit against the “American” has never been discontinued, with the knowledge or privity of the editors. In Boston, a specific charge of corruption was made by two ministerial journals, and quickly after the impetration of a writ on an action of slander, the allegation was retracted, and a full apology publicly made. The names of the editors were, long ago, in possession of the member, and could, at all times, be obtained, when asked for.—Mr. H., being exhausted, took his seat.

The question was then taken on referring the petition to a committee of the whole House, and carried by a considerable majority.

It was made the order for to-day in preference to to-morrow, the question on to-morrow, the day proposed by Mr. GROSVENOR, having been negatively, 90 to 74—many of the minority voting in the affirmative.

The House then resumed the question respecting stenographers; and,

On motion of Mr. GRUNDY, resolved into a Committee of the Whole, on the petition of George Richards, this day presented and referred.

The petition having been again read, Mr. GROSVENOR moved the following resolution:

“Resolved, That George Richards be admitted on the floor of this House as a stenographer, and that the Speaker be requested to assign him a place thereon.”

Mr. CLAY, (Speaker,) after observing that, in his opinion, an importance had been given to this petition which did not well comport with the dignity of the House, stated the ground on which the decision had been made by him, of which the petitioner complained; which was simply this: that, in consequence of the recent alterations in the House, seats had been arranged for but four stenographers; and to those places he had assigned the applicants according to seniority; all of whom having been of longer standing than Mr. R., he had by this arrangement been excluded. If the House should deem it proper to admit others than those now on the floor, he hoped they would designate the stations they should occupy, &c.

Mr. GASTON said, he was one of those who had voted for a reference of Mr. Richards’s petition to a Committee of the Whole. He deemed the subject deserving of every attention, because it was intimately connected with the first principles of a Republican Government, freedom of discussion, and publicity of proceedings. He had also been desirous to afford the Speaker an opportunity of explaining the motives which had governed his decision. He had not believed that these motives were of the kind which had been confi-

dently anticipated by a political friend of the Speaker’s, in his vehement opposition to the reference. He had not supposed it possible, that the Speaker of the House of Representatives could lend himself, in his official capacity, to the suppression of an obnoxious paper. He rejoiced to find that his opinion in this respect was well founded.

The Speaker has explicitly informed us, that his determination was influenced solely by a regard for the convenience of the House. The motive was assuredly correct, and if the opinion to which it led varied from that of the Committee, this variance should excite no surprise, nor should a decision on their part favorable to Mr. Richards, be viewed as overruling or implicating the decision of the Chair. Charged with the responsibility of superintending the convenience of the House, it was natural for the Speaker to lean, he ought to lean, to the side of those whose accommodation it was his province to consult. But when a direct application is made to the members themselves, a scrupulous apprehension of possible inconvenience cannot operate. In the Chair, it is a proper and becoming sentiment—in the members themselves it would evince an overweening selfishness, neither liberal nor dignified. An objection had been intimated by the gentleman from South Carolina, (Mr. CALHOUN,) though it had not been pressed, that the applicant, in the technical sense of the word, was not a *stenographer*. Mr. G. understood that Mr. Richards did not write short hand. He made brief notes of the remarks of gentlemen, which enabled him afterwards, by the assistance of his memory, to write out their speeches entire. In this he had shown an accuracy which gentlemen on all sides had highly commended. But Mr. Richards comes as completely within the letter of the rule, as three out of four of the reporters already on the floor, for but one of them it is understood writes short hand; and as completely within the spirit of the rule as any of them. The object is to report correctly the debates of the House, and it cannot be material whether that object be effected by an abridgment of each word, or by an abridgment of the sentences of the speaker. Did the illustrious Dr. Johnson report the debates of the British Parliament with less ability, or less correctness, because he did not write short hand? Would we refuse to him, if now an applicant, the permission granted to those we see in the boxes, because he was not a *stenographer*?

Mr. G. hoped that the session would commence with an act of liberality on the part of the majority, which he could not but believe would have an auspicious effect on the future proceedings of the House. Majorities are frequently tempted to exercise their power with a high hand. Minorities always suspect them of a disposition to oppress. A jealousy on this head will exist, often an unfounded jealousy. Let it be removed early by a course of conciliation, and a different sentiment is inspired. Forbearance on one hand will inspire courtesy on the other; and although dif-

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ferences, and important differences, would yet remain, yet a spirit of generous contest will forbid all unnecessary altercation or wanton opposition. On his feelings he was certain such an impression would be made; and he could not but believe it would also be made on those of the gentlemen with whom he was accustomed to act.

Mr. WEBSTER was glad that the Speaker had treated this subject on the ground of inconvenience only. The reasons which he had given for the exclusion of the petitioner, were such as he should have expected from a person filling the Chair of this House. He thought that the petitioner might be admitted without inconvenience; and as he had not been charged with unfairly reporting the proceedings of the House, as he reported with ability, he hoped he would be admitted. The true ground to put the question upon was its practicability. If the reporter abused the indulgence shown him, there were enough in the House, accustomed to watch with a guarded vigilance the proceedings on this side the House, not to let slip an opportunity to urge their complaints.

Mr. CALHOUN denied the position that there was room sufficient, and he did not see how the Speaker could act otherwise. He thought it would be highly improper to assign him a seat on the floor; this would be making a privileged stenographer, and giving him advantages which none of the others possessed. He would have an opportunity of overhearing the private conversation of members, as he would have to be placed in a situation where gentlemen resorted to express their opinions of pending measures, and then he would be able to penetrate all their measures. He thought the gallery a proper place; the debates could be as well heard in the gallery as any where, and writing be done with equal velocity. The particular qualities of ability and impartiality had been much dwelt upon; he denied both. The debates in that paper had been confined to one side, and it was well known the gentleman did not write short hand, but was merely a notetaker, &c. He did not make use of this as an argument against the admission of Mr. Richards, but as his friends had grounded his claim upon superior talents and impartiality, he could not do less than bring the true state of the affair before the House.

Mr. ROBERTS regretted that this subject should have been agitated, as it would produce irritation. The necessity for limitation was apparent. Gentlemen wished to resort to the fire in Winter time, which was the ordinary time of their session; for many of their seats were not tenable by the most robust constitutions when the weather was intense. Their conversations there would be overheard by the reporter, and they might expect to see it published the next day in the gazettes. The convenience of the House had to be consulted. This required that there should be a limitation. His opinion was, that the reporters should be confined to the galleries altogether. This was the practice in England, where their privileges were so limited as to prevent them from using pen and ink. That reporters were at all

admitted within the area of the House was a matter of courtesy and indulgence.

Mr. EPPES was willing to extend the same privileges to Mr. Richards that others enjoyed, and if there was not sufficient room he was disposed to make a provision for his accommodation. But, if we proceeded according to the resolution of the gentleman from New York, the House might be called upon every day to decide on the case of a second Mr. Richards. He was in favor of a general extension of this privilege. He did not wish to conceal his sentiments and opinions from the world, he would rather court investigation than shrink from it, and so he presumed would every honest man. He therefore moved the following:

"Resolved, That accommodation be made for additional stenographers on the floor of this House."

Mr. GROSVENOR acquiesced in this resolution.

Mr. INGERSOLL did not suppose this morning that the present subject would have taken the deflected course it had taken. He had not, therefore, paid much attention to the discussion. His indisposition to inculcate the decision of the Speaker on the one hand, or to impair the claim of the petitioner or the minority on the other, induced him to wish the subject to be postponed for consideration. He moved that it lie on the table.—Negatived.

Mr. GHOLSON moved its indefinite postponement.

Mr. GROSVENOR opposed this motion; and it was negatived.

Mr. ROBERTS moved that the House adjourn—lost, 63 to 93.

The question to lie on the table was put and lost—ayes 66.

The question to postpone it indefinitely was put and lost—71 to 91.

The question to adjourn was renewed and lost—ayes 64.

The question then recurred upon the amendment to insert "two," which was lost.

Mr. BIBB moved to amend the resolution by making it to read "two" additional reporters on the floor or elsewhere. This would be complying with the language of the rules of the House.

Mr. GASTON wished the gentleman would withdraw or modify his motion so as not to prescribe the place.

Mr. BIBB modified by striking out the words "on the floor or elsewhere," but he said he felt it necessary to state he should vote against the resolution in any shape; but if it passed he wished it made as perfect as possible.

Mr. ROBERTS moved to amend by inserting "in the galleries."

Mr. MACON opposed this amendment, as it would make a difference between the stenographers; some would be admitted within the area of the Hall, while others would be placed in the gallery. He wished them all to be placed on the same footing.

Mr. ROBERTS explained this to be his intention, &c.

Mr. CALHOUN moved to adjourn.—Carried.

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TUESDAY, June 1.

Mr. HALL, of Georgia, presented a petition of Daniel Newman, of the State of Georgia, praying compensation for his servant, who was killed in the expedition commanded by the petitioner against the Seminole Indians, during the last campaign.—Referred to the Committee of Claims.

On motion of Mr. ROBERTSON, a committee was appointed to inquire into the expediency of establishing a District Court in the Mississippi Territory, with leave to report by bill, or otherwise; and Mr. ROBERTSON, Mr. TELFAIR, Mr. BOWEN, Mr. COOPER, and Mr. WARD of Massachusetts, were appointed the committee.

A motion was made by Mr. JACKSON, of Virginia, to amend the Standing Rules and Orders of the House, by adding the following thereto:

"An additional standing committee shall be appointed at the commencement of each session, viz:

"A Committee on the Judiciary, to consist of seven members.

"It shall be the duty of the said Committee on the Judiciary to take into consideration all such petitions and matters or things touching judicial proceedings as shall be presented, or may come in question, and be referred to them by the House, and to report their opinion thereupon, together with such propositions relative thereto, as to them shall seem expedient."

Ordered, That the said amendment do lie on the table.

STENOGRAPHERS.

The case of George Richards was again brought up.

Mr. BIBB's amendment was put and lost, 70 to 75.

Mr. STOCKTON moved to strike out "additional stenographers" and insert "additional accommodation be made in the gallery for stenographers."

Mr. BIBB moved to strike out the whole of the resolution from the word "resolved," and insert "that the prayer of the petitioner ought not to be granted."

Mr. CALHOUN spoke with some warmth against the petition, urging that the Speaker was not to be reduced to the level of the petitioner—that he claimed a seat as a matter of right. Whence these high pretensions? He had been excluded by an arrangement of the Speaker—as if he had a right to be admitted! He denied the qualifications of Mr. Richards as a stenographer, upon the score of ability and impartiality.

Mr. GASTON said he rose with reluctance, to claim the attention of the House. He was sensible that the discussion had been prolonged until it became fatiguing. He was unwilling also to be accessary in bringing down upon the House a repetition of the sentence, which a self-created censor had pronounced against them, of having "lost a day." But he was disposed to examine the train of argument which had been pursued by the honorable gentleman from South Carolina, with an ingenuity and a plausibility which rendered it deserving of notice. He had listened to the gentleman with attention—with freedom from

bias—but certainly not conviction. A fallacy pervaded the whole of his argument. It was to be found in every of his premises, and necessarily led to error in his conclusion.

It is assumed by the gentleman, as a first principle, that the Speaker of this House is irresponsible except for wrongs done to the members of this House. This is not the gentleman's language, but it is clearly his meaning. I would not for worlds mistake it. Whence is this position derived? That the Speaker is not accountable to any other tribunal than this House for wrongs committed as Speaker, is indeed true. But where is the principle to be found which restricts his accountability to wrongs committed on the members? If, in the exercise of a discretionary authority confided to him by the House, the Speaker errs, and the consequence is inconvenience or injury to any individual of the nation, high or low, private or public, it is an obvious dictate of justice, that the House should hasten to redress the injury, to remove the inconvenience resulting from this error. The Speaker is their agent—their organ. His acts are to be deemed theirs. Whenever those acts are disapproved of, the House will, and ought, to disavow them. But how has it become necessary to inquire into this doctrine? There is nothing in the resolution now before us, and which the gentleman from Georgia proposes to amend, that calls for such a discussion. Without inquiring whether the decision of the Speaker be right or wrong, without pronouncing an opinion on the individual case of Mr. Richards, it directs that arrangements shall be made for the accommodation of additional stenographers. By such a resolution the difficulties of the Speaker will be removed, and the case of Mr. Richards again submitted to him, after the removal of those difficulties.

But, says the honorable gentleman, this resolution, growing out of the petition of Mr. Richards, is substantially a compliance with that petition, and an affirmation that the Speaker has done him wrong as he complains. Here, it seems to me, the gentleman errs in point of fact. Mr. Richards states the facts of his case, simply and truly, without the allegation of a wrong being committed by the Speaker. The mistake of the gentleman in this respect, seems to be entirely founded on an overstrained and erroneous construction of the word "exclude." Surely the gentleman has not exercised in this particular his usual critical acumen. Neither in common language, nor in strict etymology, does the word exclude, imply the idea of previous possession. Are not strangers excluded from the floor of this hall? Yet is it hence to be inferred that they ever had possession of it? No, sir, we exclude, when we inhibit entrance—when we shut out—when we refuse admittance. We expel, when we drive out of possession. Nor does Mr. Richards represent the use of this floor as a right to which he is entitled, but expressly as a privilege, which was accorded at the last session, and which he prays may be renewed at this. There is not, sir, to my apprehension, anything in the petition of

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Mr. Richards, which can shock the most fastidious delicacy—the most scrupulous regard for the dignity of the Chair.

These are the simple facts of the case. Under an order of the House directing stenographers to be admitted by the Speaker when it can be done without inconvenience, the petitioner made application to be received as such. This application was rejected, because, as the Speaker informs us, the boxes erected could accommodate but four, and the four admitted had prior claims. The Committee of the Whole recommend additional boxes, that more may be accommodated; and to this we must not accede, because it will insinuate a doubt, whether the Speaker was right in the opinion, that the boxes erected could accommodate but four! This inference may with some appear to be fairly deduced, but in my judgment it is anything but logical.

Mr. GROSVENOR apologized for again rising in the debate. Nothing, he said, but some misrepresentations of the spirit of the petition which he had presented, and some reflections on the course which he had pursued, could have induced him to rise in this protracted period of the discussion.

The amendment, said Mr. G. is a flat denial of the petition—and what are the reasons advanced by the gentleman from South Carolina in support of it. "The petitioner, he says, claims a right on that floor, and complains that the Speaker has injured him by violating that right, and that he claims redress for the injury."

Mr. Speaker, not one word or suggestion of the kind is to be found in the petition. These are notions which the gentleman has conjured up in his own fancy. The petitioner neither claims a right on this floor, nor does he complain of any injury to that right. The petition is a simple and respectful statement of undeniable facts. He states that, at the last session, by permission of the Speaker, he enjoyed the privilege of a place on the floor as a reporter for the Federal Republican newspaper; that, at the commencement of this session, he applied for the same privilege; that he was informed by the Sergeant-at-Arms that he, by a new arrangement and by order of the Speaker, was excluded—he then prays the House to grant him the privilege which the Speaker had refused.

Now, sir, said Mr. G., where did the honorable gentleman from South Carolina find the claim of right, and the complaint of injury, about which he had spoken so warmly. Mr. G. repeated, that it was no where to be found in the speech of the gentleman. But, said Mr. G., if it were otherwise, I deny, I utterly deny the humiliating doctrine, that the Speaker of this House, or any other public man in this nation, be he high or be he low, is not responsible for any injuries he may inflict even on the meanest citizen.

What new Republican doctrine is this, sir? How long is it since any man has risen, in this country, so high in dignity and in power that he can with impunity trample down the rights of any citizen? In what article of the Republican code is this fundamental maxim of despotism to

be found? No, sir, gentlemen mistake the nature of our free institutions, if they believe them contaminated with principles like these. Sir, said Mr. G., the time has not arrived in this country when any man has risen, or can rise above control, and set at defiance responsibility. Dress him in what robes you may, exalt him where you can, he will find a tribunal still above him, to which he must answer, and to which he shall finally submit.

The rights of the humblest beggar who crawls on the earth, are as strictly guarded by the laws as those of the supplest minion who crouches at the footstool of power. The chains of the Constitution are around us all, and they never shall be loosened until liberty sinks in a general convulsion of society. The struggles of aspiring men, to shake them off, shall but draw them closer, and render them stronger.

The Speaker, sir, of this House is amenable to any man for an injury inflicted in the course of his duty. But he is amenable in a particular manner to this House and within these walls. I know, sir, he is not to be questioned without these walls, for anything which he does within them as Speaker of the House. But, sir, the same rule applies to every member on this floor. You and I, sir, in this respect are on the same list, we are both protected. Does it hence follow, that we are not responsible within these walls and to this House for improper conduct to any citizen, however humble his station in life? and is it improper when such a citizen has sustained an injury from the Speaker, in the administration of the duties assigned him by this House, that he should petition the House for remedy and redress?

At what era in our Government was it, that this revolution in affairs took place? How long since has it been a crime, by a respectful petition, to state a grievance to the only body that can grant redress? But the petitioner and the Speaker are at issue say gentlemen. Well, and what then? Is your Speaker, I again ask, either irresponsible for his conduct, or above the control of the House? Is it meant that when the Speaker ascends the Chair, he shall be clothed with despotic power, and be invested with the attribute of infallibility? I am sure, sir, the honorable Speaker himself will reject all such claims. He will claim no exemption from a fair responsibility. It is human to err—an exaltation to the Speaker's Chair, does not exempt from the frailties of humanity.

But, said Mr. G., it is contended that "this complaint is founded on a rule of this House. These rules are solely for the members, and a violation of them cannot be noticed but by a member; therefore the petition itself was disorderly, and ought to be rejected." That no one can take cognizance of and enforce the rules of this House, but itself, is certainly true. But it is no less true, that if a right or privilege is secured to any citizen, by any law, whether by act of the legislature, or in the form of a rule of this House, such right and privilege is sacred, until the act be repealed or the rule dispensed with by the same power

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that gave them existence. And if the Speaker, or any other man, violates that privilege or right, any one injured must have redress—in the case of a legislative act by a court of law—in the case of a rule, by petition to this House. In every shape therefore, these doctrines are incorrect and cannot be endured, unless we are prepared to offer up the rights of our constituents on the altar of dignity and power.

Mr. G. then contended, that in this petition there was no claim of right, no impeachment of the Speaker's motives, no allegation of injury. Mr. Richards prayed for admission with the other stenographers, upon the same footing, and subject to the same control. It could not seriously be contended, that one additional seat would incommode the House. He therefore hoped the amendment would be rejected, and the resolution pass as it came from the committee.

After a long debate the question to strike out was put and carried—85 to 75.

The question to insert Mr. BIBB's amendment was then put and carried—88 to 72.

WEDNESDAY, June 2.

The SPEAKER laid before the House a letter from the Commissioner of the General Land Office, transmitting a letter from the Register of the Land Office at Kaskaskia, relative to certain claims to land in that district; which were referred to the Committee on the Public Lands.

The remainder of the day was occupied in the reception and reference of petitions.

THURSDAY, June 3.

Another member, to wit: from North Carolina, BARTLETT YANCEY, appeared, produced his credentials, was qualified, and took his seat.

FINANCES OF THE UNITED STATES.

The SPEAKER laid before the House a letter from William JONES, acting Secretary of the Treasury, transmitting his annual report on the state of the finances of the United States: which was read, and referred to the Committee of Ways and Means. The report is as follows:

In obedience to the act "supplementary to the act, entitled 'An act to establish the Treasury Department,'" the Acting Secretary of the Treasury respectfully submits the following report:

The receipts into the Treasury from the first of October, 1812, to the 31st March, 1813, have amounted to - - - - - \$15,412,416 25

The balance in the Treasury on the 30th of September, 1812, was - 2,362,652 69

Making together - - - - - 17,775,068 94

The expenditures from the first of October, 1812, to the 31st March, 1813, have amounted to - - - - - \$15,919,334 41

Leaving a balance in the Treasury on the first of April, 1813, of - - - 1,855,734 53

17,775,068 94

The enclosed statement (A) shows in detail the several sources from which the receipts were derived, and the branches of expenditure to which the disbursements from the Treasury were applied.

Pursuant to the act of the 8th of February last, subscriptions for a loan of sixteen millions of dollars were opened on the 12th, and again on the 25th of March last. But, although a thirteen years' annuity of one per cent. was offered in addition to a six per cent. stock at par, for the money which might be subscribed, it being apparent from the result of the first subscription, that the whole amount could not be obtained on those terms, proposals in writing were invited. Offers, exceeding by about a million of dollars the amount wanted, were received, some demanding a thirteen years' annuity of one and a half per cent. in addition to six per cent. stock at par, but most of them requiring a six per cent. stock at the rate of eighty-eight per cent. On these terms, leaving to the subscribers the option, the loan was effected. In conformity with the public notification the same terms were extended to those persons who had subscribed on the first opening of the subscription, and they have the same option; which, if the stock, at the rate of eighty-eight per cent., be taken, is equivalent precisely to a premium of thirteen dollars and sixty-three cents and seven-elevenths of a cent for each hundred dollars loaned to Government. The enclosed papers under the letter B, are copies of the several public notices given on the subject, and a statement of the moneys respectively obtained by open subscriptions and written proposals, and showing also the sums obtained and payable in each place where subscriptions were opened.

Of that sum of sixteen millions of dollars thus obtained on loan, there was paid into the Treasury, prior to the first of April, 1813, the sum of \$1,086,737 50, which makes a part of the moneys received previously to that day as stated in the statement (A.)

The resources for the residue of the year 1813 consist of the following items, viz:

| | |
|--------------------------------------------------------------------------------------------------------|-----------------|
| 1. The remainder of the loan above-mentioned - - - - - | \$14,913,262 50 |
| 2. The sums payable on account of customs and of the sales of public lands, estimated at - - - - - | 9,320,000 00 |
| 3. The five millions of dollars in Treasury notes authorized by the act of February 25, 1813 - - - - - | 5,000,000 00 |
| Say - - - - - | 29,230,000 00 |

The expenses for the last nine months of the present year are calculated as follows:

| | |
|-----------------------------------------------------------------------------------------------------------------|--------------|
| 1. Civil list, and all expenses of a civil nature, both foreign and domestic - - - - - | \$900,000 |
| 2. Payments on account of the principal and interest of the public debt, as per estimate (C) herewith - - - - - | 10,510,000 |
| 3. Expenses on account of the War and Navy Departments - - - - - | 17,820,000 |
| | \$29,230,000 |

Of the sum of \$1,855,734 53, remaining in the Treasury on the 1st of April last, a small part may be considered as applicable to such extraordinary expenses already authorized, as may arise during the remainder of the year; and, for the same object, the

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sum of one million of dollars authorized by an act of the State of Pennsylvania, to be loaned to the United States, but which was not offered in time to be accepted as a part of the loan of sixteen millions, may be considered as a resource.

In this estimate the whole sum of five millions of dollars, authorized to be issued in Treasury notes, is taken as a part of the resources of the present year. But as it is not deemed eligible to increase the amount of Treasury notes in circulation, and as three millions only of those authorized by the act of 1812 were issued in that year, and are reimbursable in the course of the present year, it is respectfully suggested that in lieu of issuing two millions of the five millions authorized by the act of February, 1813, Congress should authorize an additional loan for the same amount, it being made a condition of such loan that its terms should not be higher than those of the loan of sixteen millions already effected.

The provision already considered is for the service of the present year only; that which will be necessary for the year 1814, requires an early attention. It is difficult to estimate with accuracy the sum which will be received into the Treasury from the revenue as now established. During a state of war, the customs, at the present rate of duties, have been heretofore estimated to produce five millions of dollars. The additional tonnage duty imposed upon foreign vessels by the act of the 1st of July, 1812, producing about two hundred thousand dollars a year, is not included in that sum. It is believed that, during the year 1814, a greater sum than five millions two hundred thousand dollars ought not to be relied upon as receivable into the Treasury from custom-house duties. The sum arising from sales of public lands may be estimated at six hundred thousand dollars, making, together, five million eight hundred thousand dollars. The interest alone on the public funded debt, on temporary loans, and on the Treasury notes, which will become payable in that year, will amount to four millions four hundred thousand dollars. The other engagements, on account of the principal of the funded debt, of temporary loans, and of Treasury notes, which will become reimbursable in that year, amount to seven million one hundred and fifty thousand dollars, exceeding, together, by more than five million seven hundred thousand dollars, the estimated amount of the receipts into the Treasury derived from the revenue as now established.

This view of the subject is sufficient to evince the necessity of a speedy and effectual provision for the service of that and the ensuing years. The mode and the extent to which this provision should be carried, have been heretofore suggested from this Department to Congress, and have received the consideration of that body. The expenses of the Peace Establishment of the United States, and the interest on the public debt, including that on the loans made for the prosecution of the war, are believed to be the least sum that ought, under any circumstances, to be raised within each year. These, if the expenses of the Peace Establishment are taken at the sum necessary for the ordinary expenditure of the United States previously to the additional armaments made in the year 1812, with a view to an approaching state of war, and including the interest on the loans of the years 1812 and 1813, and also of that which will probably be necessary in the year 1814, will amount, during that year, to eleven million four hundred thousand dollars, viz:

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| The expense of the Peace Establishment, exclusive of the additional force authorized by the acts passed during the year 1812, may be estimated at the sum of | \$7,000,000 |
| The interest on the public debt during the year 1814, will be as follows: On old funded debt | 2,100,000 |
| On six per cent. stock of 1812, including temporary loans received in part of the loan of eleven millions, which will remain unpaid in 1814 | 500,000 |
| On six per cent. stock of 1813 | 1,090,000 |
| On Treasury notes which will be reimbursable in 1814, say on five millions, at five and two-fifths per cent. | 270,000 |
| | <hr/> 10,960,000 |
| On the loan for the year 1814, interest payable within that year | 440,000 |
| | <hr/> \$11,400,000 |

The revenue now established being estimated to produce \$5,800,000, would leave to be raised the sum of \$5,600,000, to cover the above sum of \$11,400,000. The internal taxes heretofore proposed were estimated to produce

And the duty of twenty cents a bushel on salt imported, which though estimated heretofore at only \$400,000 a year, during a state of war yet, as the consumption considerably exceeds two millions of bushels, may be estimated to produce

Making the sum wanted - - - \$5,600,000

Although the taxes, if early laid, may be brought into operation in the commencement of the year 1814, yet, as they cannot be expected to have their full effect during that year, some auxiliary resource will be required. This may be found in the sum of one million five hundred thousand dollars, which is the excess of the Sinking Fund for the present year, over the demands on that fund, according to the existing engagements of the United States. This sum of one million five hundred thousand dollars may be carried to the Sinking Fund for the year 1814, and will be wanted in addition to the annual appropriation of eight millions of dollars, to meet the engagements on account of the public debt, which must be fulfilled during that year.

As reliance must be had upon a loan for the war expenses of the year 1814, the laying of the internal taxes may be considered, with a view to that object, as essentially necessary. In the first place, to facilitate the obtaining of the loan; and, secondly, for procuring it on favorable terms. It is ascertained that the terms of the loan for the present year would have been more favorable if the taxes had been previously laid; and it is obvious enough, that, by affording a security for the regular payment of the interest and the eventual reimbursement of the principal, more stable, and less liable to be weakened or cut off by the natural effects of war upon external commerce than a revenue depending, as that of the United States now does, almost wholly upon such external commerce, capitalists will advance with the greater readiness, and at a lower rate of interest, the funds necessary for the prosecution of the war.

Public confidence will be insured, and the means

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Virginia Contested Election—Judiciary.

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afforded of preserving the public credit unimpaired; a measure of the utmost importance in a country like ours, where, from the lighness of the demands made upon the people during the continuance of peace, the extraordinary expenses of a state of war can be supplied only by a resort to that credit.

The resources of the country are ample, and if the means now proposed, and those heretofore recommended from this Department, are adopted, it is believed they may be fairly and fully brought in action.

All which is respectfully submitted.

W. JONES,

Acting Secretary of the Treasury.

TREASURY DEPARTMENT, June 2, 1813.

CONTESTED ELECTION.

Mr. FISK, from the Committee of Elections, made a report on the petition of Burwell Bassett, contesting the election of THOMAS M. BAYLY.

The report is as follows:

That at the last general election in Virginia for Representatives to Congress, the said Burwell Bassett and the said Thomas M. Bayly were opposing candidates, in the district composed of the counties of Middlesex, Matthews, Gloucester, Warwick, Accomac, Northampton, James City, Elizabeth City, and the city of Williamsburg. From the poll of the several counties, the sitting member appears to have had a majority of fifty-seven votes in the said district, and he was accordingly returned as elected.

The laws of Virginia prescribing the mode of conducting such elections, direct that the sheriff, or other officer conducting the poll, shall close it the same day, unless the electors be prevented from attending by rain or the rise of watercourses, or unless there be more electors attending than can be polled in one day. It appears that neither rain, nor the rise of the watercourses, prevented the electors from attending on the election in the county of Accomac. Yet the poll in this county was continued three days; for what cause does not appear. It is contended by the petitioner that there is no evidence that this continuance was for a cause warranted by law, and, therefore, that it ought to be presumed illegal, the election void, and a new one ordered.

It is urged on the other hand, by the sitting member, that, until disproved, the officer's return, who conducted the election, ought to be respected as *prima facie* evidence of the legality of the proceedings, and the committee are unanimously of this opinion.

That, of the polls taken for the county of Accomac, Burwell Bassett had 61 votes, and Thomas M. Bayly 735 votes; 109 of the latter are challenged as illegal by the petitioner, who presented a list of their names, the greater number of which, on examination, are not found on the land list. The fact of these being polled for the sitting member, rests entirely on the declaration of the petitioner, who alleges that their names are on the list of the polls taken for the sitting member, a certified copy of which he was unable to procure from the proper office, but which list the sitting member declares to be incorrect.

It is alleged by both the sitting member and the petitioner, that at, and subsequent to the time of the election, the usual intercourse between the different parts of the district was so interrupted by the enemies' cruisers, as to put it out of their power to procure the necessary papers and evidence to support their respective allegations, and the sitting member asks for rea-

sonable time to be allowed him by the committee to take testimony, under the conviction that he would be able, by the evidence to be taken, to support his poll. And upon a view of all the circumstances of the case, the committee are unanimously of opinion that further time ought to be granted the parties to procure testimony, and they accordingly submit the following resolution:

Resolved, That — weeks be allowed to the parties to procure testimony relative to the said election, and that the Committee of Elections have power to examine witnesses, and make order for such examination in this case.

The blank having been filled with the word *five*, the report was agreed to.

THE JUDICIARY.

Mr. J. G. JACKSON, called up the resolution which he submitted for consideration a day or two ago, in the following words:

Resolved, That the following be added to the standing rules and orders of the House: An additional standing committee shall be appointed, at the commencement of each session, viz: a Committee on the Judiciary, to consist of seven members. It shall be the duty of the said Committee to take into consideration all such petitions and matters or things touching Judicial proceedings, as shall be presented or may come in question and be referred to them by the House, and to report their opinion thereupon, together with such propositions relative thereto as to them shall seem expedient.

Mr. JACKSON said he had been induced to submit this resolution, from the consideration that our laws are in many instances defective, and it is of the utmost importance that they should be amended; and that this object could be best attained by the appointment of a standing committee, to whom should be referred all propositions for establishing new courts and regulating their powers. He recollected two cases, falling within his own observation, which had led him to contemplate some such provision; and it was not without some surprise that he found it had been passed over so long. As long ago as during the existence of the internal taxes, one of those cases occurred. It would be recollected, he said, that prosecutions might be commenced in State courts for the penalties attendant on infractions of those laws. In pursuance of this provision a prosecution had been commenced in Virginia in an inferior court; judgment was rendered against an individual, who it was manifest had not conformed to the provisions of the law. The case was carried to a higher court, however, and on the ground that the Constitution had vested the Judicial powers of the United States in the Supreme Court, and such other courts as Congress might establish, it was decided that it was not in the power of Congress to confer jurisdiction on the State court. The offenders of course escaped. Another case occurred in the course of the last year, in which a prosecution was instituted against a post rider, for having opened the public mail travelling from Ohio to Kentucky. The fact was notorious. The same question

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occurred again, and the same decision took place. The individual was permitted to escape without punishment. An amendment to our laws was unquestionably necessary in this respect. To consider such cases, and the various applications for altering the organization or location of courts, &c., he considered the appointment of a standing committee necessary. With this view, and also to render the decision of the House more uniform on these applications, as they would be if all referred to the same committee, he had thought proper to propose this amendment to the rules.

No opposition being made to the motion, it was adopted without a division.

STENOGRAPHERS.

Mr. NELSON offered the following resolution:

Resolved, That, for disseminating information among the good people of the United States, it is expedient to admit stenographers into the House of Representatives; and that the Speaker of this House do cause seats to be provided for such additional stenographers as may be admitted, according to the standing rules and orders of this House."

Mr. NELSON said, he introduced this resolution to gratify his own sense of right, to do justice to the minority, and to facilitate the means of giving publicity to the proceedings of the House. He hoped it would pass without opposition.

Mr. ALSTON recommended, that the resolution should be referred to a select committee, which should have the power of revising the rules of the House. He was on the committee which reported the existing rule. He was for placing all the stenographers in the gallery. He thought the convenience of the House demanded this, and he would not impose upon the Speaker the disagreeable task, either of sending them all to the gallery, or making invidious distinctions between them. He hoped the mover would take this course; otherwise he should be forced to vote against this resolution.

Mr. FARROW moved that the resolution be postponed until to-morrow.

Mr. NELSON said, that he could not accede to either proposition. One great object, he said, of introducing his resolution was, that he might not be considered as coinciding in the reasons heretofore given upon the petition of George Richards. He voted against that petition. But not for the reasons assigned by the majority on the floor, which he wholly disavowed. He said, he had made this motion from a sense of duty; the public ought not to be debarred from any source of information; the minority ought not to be deprived of a stenographer by any exercise of power on the part of the majority. The newspapers through the country, said Mr. N., are denouncing us for closing our doors against Federal stenographers, and for using our power to oppress and bear down the minority on this floor. Will you continue to exclude reporters, and thereby sanction and justify all these accusations? Mr. N. said, he hoped not. He trusted a sense of justice to the minority and the public would in-

duce the majority to adopt the resolution. Mr. N. made a strong appeal to the equity and feelings of the majority, and concluded by declaring he had performed what he deemed a sacred duty; and was no further solicitous for the issue of his motion, than what was induced by a wish, that the majority should sustain a character for liberality, fairness, and justice, which he feared would be sacrificed by its rejection.

Mr. FARROW said, he agreed with Mr. NELSON in all his remarks, except that he wished to place all the reporters in the gallery. He persevered in his motion to postpone.

The question was then taken and lost.

Mr. FARROW then moved to amend, so as to place all the reporters in the gallery; but before he could reduce his amendment to writing—

Mr. ALSTON moved to refer the resolution to a committee of seven, with power to revise and report any alteration of the rules they might deem proper: Which motion was concurred in, 70 to 67.

Mr. ALSTON, Mr. GROSVENOR, Mr. FISK of New York, Mr. NELSON, Mr. GASTON, Mr. FARROW, and Mr. McKIM, were appointed the committee.

FRIDAY, June 4.

Two other members, to wit: from New York, SAMUEL M. HOPKINS; and from Delaware, HENRY M. RIDGELY; appeared, produced their credentials, were qualified, and took their seats.

Mr. PITKIN presented the petition of the Darby Fishing Company, praying a remission of certain forfeitures and penalties incurred for an unintentional violation of the non-importation law, by introducing within the waters of the United States a vessel loaded with produce of the British West Indies.

The petition having been read, Mr. P. moved to refer it to the Committee of Ways and Means.

Some objection was made by Mr. WRIGHT to the reference of this petition, because it was not proper to legislate on particular cases, and because he looked upon this as one of a questionable character; but the opposition was withdrawn on the representation of Mr. PITKIN of the circumstances of the case, and Mr. WRIGHT contented himself with expressing his hope that if any provision resulted from the consideration of that petition, it would be of a general and not a particular character.

The petition was referred.

COMPENSATION TO VOLUNTEERS, &c.

Mr. SHARP offered for consideration the following resolution:

Resolved, That a committee be appointed to inquire what provision ought to be made for the compensation of the mounted riflemen who were called into service from the State of Kentucky in the year 1812, and that the committee be authorized to report by bill or otherwise.

Mr. S. said it might be necessary, for the information of some gentlemen not acquainted with the fact, to state that the troops alluded to in this resolution were those called out last autumn from

the State of Kentucky. At the time that Detroit was surrendered, and Chicago had fallen into the hands of the enemy, there were but two forts in the Western country which resisted their encroachments. These were Fort Wayne and Fort Harrison, defended by small garrisons, which were likely to fall into the hands of the enemy, being at too remote a distance to receive immediate succor at the hands of the General Government. It was then that the Governor of Kentucky was applied to for a force for their relief. The citizens of Kentucky, with their characteristic patriotism, immediately marched forth to their relief, and defended the frontier until a regular force could be organized and marched. The services they rendered on this occasion were prompt, voluntary and efficacious; and he hoped that there would be no hesitation in considering this subject and making the necessary provision for their compensation.

Mr. GRUNDY said it was far from his intention to oppose the object of the motion. But he would suggest one consideration, which might induce the gentleman to agree to give it a different direction. That many measures had been taken by the Governors of several States, as well as by officers of the Army, by which expenses had been incurred not authorized by law, was a fact well known, particularly to those who represented the Western country. It seemed to him that this and similar propositions ought to be referred to a committee who could act generally on the subject; and let all concerned know what might be expected to be done on this head. If particular cases were referred to particular committees, individual and local feelings, of which no man can or ought to divest himself, would perhaps influence them to decide contrarily, &c. He therefore moved that this subject be referred to the Military Committee.

Mr. SHARP consented that his motion should take that course.

Mr. GOLDSBOROUGH said that he considered all cases in which the force of the country had been called out for its defence as standing on the same ground; and was of opinion that all the expenses of the militia and other forces, called out by the State authorities for the defence of the soil, ought to be defrayed by the General Government. He therefore hoped the gentleman would so modify his motion as to make the inquiry general.

Mr. SHARP having declined to connect his motion with any other question, with the merits of which he was not acquainted—

Mr. GOLDSBOROUGH moved to amend the motion by adding, after the words "eighteen hundred and twelve," the following: "And also for defraying the expenses of the militia called out under the State authorities for the defence of the country against the incursions of the enemy."

Mr. McKEE pointed out what he conceived to be an obvious distinction between the two cases proposed to be blended in this motion. The object of his colleague's motion was to inquire into the propriety of compensating those who had marched, not to defend their particular State, not

their native soil, but a distant and exposed frontier; whilst the amendment proposed to embrace those who had defended merely their own firesides. It was not imperatively the duty of Kentucky to send out her forces; but she was influenced by circumstances, and the impossibility of the Government acting with sufficient promptitude and efficacy. He was therefore opposed to joining things which were so distinct in their nature.

Mr. WRIGHT was in favor of the original motion; but he hoped the House would not feel inclined to consider also the claims of those who with equal zeal had defended the maritime frontier from an enemy of as perfect a savage character as those savages whom the Kentuckians had gone out against. He honored the patriotism of Kentucky; he honored her exertions; but it was proper also to consider the claims of other sections of the Union. The cases were made *ex pari materia*, and ought not to be separated; he hoped, therefore, they would all be referred to the Military Committee, and that no line would be drawn between the exertions of different parts of the country.

Mr. GOLDSBOROUGH hoped the inquiry would be general. He could not see the full force of the distinction drawn by the gentleman from Kentucky. He would ask, where was the difference of obligation to defray the expense of defending one part of the country or another? The same obligation had relation to all. For instance, he said, the militia of Delaware had been called forth to the defence of Lewistown; some few troops had been drawn from Pennsylvania for the like purpose. Were not the United States in this case as much bound to pay those called from Delaware as those from Pennsylvania? He did not say, as a positive proposition, that all the expenses of defence ought to be reimbursed by the General Government; but he did say, that in directing the attention of a committee to this subject, the rule should be general. He hoped no disposition would prevail to give to one State an opportunity of making larger drafts from the Treasury than another.

Mr. McKEE disclaimed any intention, in making a distinction, to excite unpleasant feelings; but there still appeared to him to be an obvious distinction between militia called out for the defence of their own firesides, and those marching for the defence of a distant territory. He had no objection to the proposed amendment, if in a separate proposition, but he still thought they ought to be kept distinct.

The amendment proposed by Mr. GOLDSBOROUGH was agreed to by the House; and also another amendment, suggested by Mr. JENNINGS, to add the words "and the territorial" before the word "Governments."

The resolution, as amended, was then adopted, *nem. con.*

CONTESTED ELECTION.

Mr. FISK, of Vermont, from the Committee of Elections, to whom was referred the petition of

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William Kelly, contesting the election of THOMAS K. HARRIS, from Tennessee, made a report thereon; which was read, and referred to a Committee of the Whole to-day.

The report is as follows:

That at the last general election in Tennessee, for Representatives to Congress, the said William Kelly and Thomas K. Harris were candidates in the third Congressional district. From a return of the polls in the district, as made to the Governor of the State, it appears that the sitting member obtained one vote more than the petitioner, and, therefore, was returned as elected.

By the laws of the State, it is made the duty of the inspectors of the election for Representatives to Congress, to cause two fair statements to be made of the number of votes given at said election for each candidate, and certify the same; and it is also made the duty of the sheriff, or returning officer, to transmit one of the said returns, or certificates, to the Governor, and to file the other with the clerk of the county court of his county. That, on comparing the certificate with the polls taken in the county of Warren, in said district, and transmitted to the Governor, with the one filed with the clerk of said county, there appears to be two more votes for the sitting member, on the former, than there is on the latter certificate. And it further appears, by the first certificate, that the number of votes given to each candidate, being added together, will exceed by two the whole number of votes certified to have been given. The petitioner contends that these facts prove the certificate filed with the clerk correct, and the petitioner entitled to his seat.

The sitting member was not notified that his election would be contested, until after his arrival in this city, and he now states that he believes that, if time was allowed him, he could procure testimony to support his election, and to show that the petitioner received many illegal votes, and that there were several erroneous returns made in favor of the petitioner; and the sitting member asks for reasonable time to be allowed him to obtain such testimony.

Upon a full view of all the circumstances of the case, the committee are of opinion that further time ought to be granted to the sitting member to procure testimony, and they accordingly submit the following resolution:

Resolved, That until the — be allowed to Thomas K. Harris, a member of this House, to procure testimony relative to his election.

On motion of Mr. FISK, the House resolved itself into a Committee of the Whole, on the said report.

The petitioner was allowed to take his seat at the bar of the House to support his right.

Some conversation took place on the time which ought to be allowed.

Mr. KELLY (the petitioner) declared his resolution to oppose the granting to Mr. HARRIS of any time to procure evidence.

The blank was filled with three months; and the question stated on the adoption of the resolution as amended.

Mr. KELLY then opposed the report of the committee, on the ground that he was now entitled to the seat occupied by Mr. HARRIS, and ought not therefore longer to be kept from it. The bur-

den of the proof, he contended, now rested not on him, but on the sitting member.*

Mr. HARRIS addressed the Chair as follows: I would feel no degree of pride, sir, in occupying a seat on this floor, were I not conscious that I

[* This is one of those questions frequently discussed on the floor of Congress, in which the people at large are but little interested, and which are, therefore, not particularly reported. We have, however, thought it but due to Messrs. Harris and Kelly to permit each of them to lay his case before his constituents at least, and for that purpose have procured for publication the statement of the argument of each gentleman, the one in support of his seat, the other in behalf of his claim. — *Editors Nat. Int.*]

Mr. Kelly's Statement,

Addressed to the people of the Third Congressional District, in the State of Tennessee:

Fellow-Citizens: Conceiving myself to be your legitimate Representative, elected by a majority of votes, in obedience to the dictates of duty I came on to this place, and, by my memorial to the House of Representatives, claimed the seat into which mere accident had thrown another man. The case was referred to the Committee of Elections, and their report committed to a Committee of the Whole House, where it was under discussion for three several days, and has ultimately in a vote of postponement for three months, in order that other testimony may be procured by the parties. I opposed, from first to last, with all the energy I was master of, the continuance of Mr. Harris in the seat of your Representative; and argued, in substance, that the proof I introduced was clear, competent, and legal, to prove the fact of having received a majority of votes; from which fact, my right to a seat necessarily resulted, according to the clearest and most obvious constitutional principles of the country; that the commission as a member must inevitably have issued to me and not to Mr. Harris, had no error been committed in making out the return from Warren court-house; that the error of an officer ought not to prejudice even an individual, much less the people of a district in their elective franchise; but should be corrected as soon as proven to exist, and the parties placed in the same situation they would have occupied, had no error been committed, and the man having a majority of votes should take his seat for the present in preference to the man having a minority, notwithstanding a commission had been accidentally issued to him; that, in fact, the vote of the people made the Representative, and not the commission, which was nothing more than a respectable grade of evidence pointed out by law, to prove the fact of a majority of votes having been given to the person commissioned; that it was good evidence of that fact until controverted by proof; but so soon as it was proven that a majority of votes were given to another candidate, the commission became defunct, its foundation sapped, and no office could be held in virtue of it; that, in fact, the parties should occupy the ground, and move in the orbits, designated for them by the people.

In the progress of the debate Mr. Harris neither manifested magnanimity and candor enough to admit, or nerve enough to deny, the existence of the error complained of; but enveloped himself in a labyrinth of nice technicalities, played off the adroit special pleader, and progressed *protestando*, "admitting for argument sake," that the error did exist; yet the evidence

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was entitled to it by the choice of the people of the district from which I come. And as I have taken it under a belief that I am their legitimate representative, I would be unwilling to relinquish it until I had a fair opportunity of procuring testimony to defend it.

The result of the election was not known to me until about the 28th or 29th of April, when I received a letter from Governor Blount, stating merely the aggregate number of votes that each candidate got in the district, and enclosing me the credential of my election. The Governor

relied on to prove it ought not to be noticed; because, according to his notions of law, it was *ex parte*, he having no notice while in Tennessee, that the evidence would be taken or the seat claimed.

To this I replied, that, the copy from the clerk's office of Warren county court, and from the secretary's office, could not be denominated *ex parte* testimony, under any circumstances whatever; that any citizen was authorized to take copies of them at any time, without being bound even by the principles of decorum, much less of law, to give any man notice of his intention to take them; and as to the depositions introduced, unless Mr. Harris denied the facts proved by them, the exception to them on the ground of their being *ex parte* did not apply, because, a cross-examination (which was the object of notice) would not have altered the case, and therefore no injury had resulted to him for want of notice; the reason of the law did not exist, and, therefore, the law itself could not.

Mr. Harris, besides his *ex parte* argument, claims the benefit of a postponement, on the following grounds: 1st, because my poll had been overrated by the returns from Franklin and Bledsoe counties; 2dly, because very many illegal votes were given to me at the election; and, 3dly, because the sheriff of Rhea county had acted improperly, and destroyed votes given to him at the poll for Rodgers, and surreptitiously put in their room votes for me; all these things, he said, he could prove, as he believed, if time was allowed to procure testimony.

I contended, that he ought not to be kept in his seat, on either of these grounds, because his statement on every point was at war with the authenticated returns, which I produced, and conceived to be superior to the statement of any man; and if he chose to litigate those points, he ought to do it on the same terms he must have done it, had no error been committed in his favor from Warren; that, in fact, it was well proven to the committee, that he had a minority of votes, and therefore should be put to the laboring oar. But a large majority of the members were of opinion, that but one decision could properly be made in the case, and that decision should be postponed, until an opportunity would be allowed to procure testimony to every point in dispute; because it would be whimsical in the House, to turn out a man now, notwithstanding he had dropped among them by accident, and hereafter, on his making proof of his statements, to take him in again. This conclusion seems to me to be rather drawn from than to follow the premises: and the course of reasoning, as applied to the case in question, rather plausible than solid.

It is certainly true, that every tribunal should avoid acting whimsically, but, at the same time, it must be more important that they should avoid acting unjustly. The testimony offered proved the existence of an error,

did not think it necessary, as I had a majority of the votes, to give me a full statement of the polls at every place of election. But for the satisfaction of Mr. Kelly, who he knew would wish to understand particularly how many votes were returned to me from each county, he transmitted to him a full statement of all the returns, requesting him to forward it, after he had examined it, to the editor of the Knoxville Gazette. This statement must have been received by Mr. Kelly nearly about the same time that I received the letter from the Governor, for, on the 3d of June, while on my way here, I saw Mr. Kelly at Sparta,

and, of course, as to that particular point in the case, was sufficient to authorize its correction, which would have left the majority in my favor; and even if Mr. Harris were afterwards to contest my election successfully, it would only show by the reasoning adopted that the House had acted a little whimsically. It could not be said, they had acted unjustly, because they had legal evidence before them to justify the proceeding—evidence to show, that a majority of votes, were in fact given to me; but, on the contrary, suppose Mr. Harris should never be able to substantiate any of the statements he has made and have to descend from his accidental elevation, will not the people of the district, who have been deprived in the mean time of the services of their legitimate Representative, have been treated unjustly? To my mind they certainly will. One course, by possibility, might subject the House hereafter to the imputation of having acted whimsically; the other, with at least with equal probability, might subject them to the charge of having acted unjustly. Between these alternatives the choice is obvious: of two evils always to choose the least; to avoid Scylla we should not run foul of Charybdis. Again, it cannot be properly said that Mr. Harris holds his seat by virtue of his commission, because the proof that document once afforded of his having received a majority of votes is now done away. It is proven by legal and competent testimony that he did not get a majority; therefore he must hold by some other tenure, and this tenure is the existence of facts, evidenced by his own statements only. This tenure by statement and allegation, is not sanctioned by the laws and Constitution of the country. If it were, some men would always be in office, and the people liable to be represented by a man they never elected.

However, I would not be understood, as attaching the smallest degree of censure to the members of the House. No sublimary tribunal is exempt from error; and I am confident the difference of opinion upon the subject is an honest one, and the vote of postponement the result of judgment candidly exercised; and being so, it becomes a duty to acquiesce, however hard it may operate; and this duty is not at all infringed by pointing out in a decorous manner any reasons that may exist calculated to show that another course would have been more proper.

I have used every exertion in my power to discharge the duties which devolved on me as your Representative, and have no doubt, but my endeavors to serve you will be duly appreciated, not only by those who honored me with their suffrage, but by a number who voted against me.

Accept the assurances of esteem, &c.

WM. KELLY.

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on his way (as I now understand) to Warren county, to see whether the mistake did exist in the return from that county, which he now alleges to have been made. Mr. Kelly must, therefore, at that time have had, either on paper or in his recollection, a full statement of the returns which had been forwarded to him by the Governor. Why did not Mr. Kelly show it to me? Why did he not suggest to me the probability of a mistake from Warren? He says, sir, that delicacy prevented him from making the communication. This apology would well have been acceptable, if delicacy had also prevented him from controverting my election until he had given me fair warning of his intention to do so. What would have been the consequence if Mr. Kelly had shown me the statement of the returns which he had received? I would have seen immediately that the return from Franklin county gave him 227 votes instead of 223, the number which the sheriff of that county wrote him, a day or two after the election, that he got there. I would have seen that the return from Bledsoe county gave him 59 votes instead of 56, the number which several persons from that county, immediately after the election, said he had gotten there. I would have gone with the gentleman to Warren—I would have sent to Franklin and to Bledsoe, and would have seen, after rectifying all mistakes, who was fairly elected. But, sir, Mr. Kelly thought it most prudent to keep the statement of the returns from my view—delicacy prevented him from saying to me that he suspected a mistake had been made in the return from Warren of two votes in my favor, which, if rectified, would give him a majority of one. This kind of delicacy, sir, was doing me injustice, because, if he had given me the information, I would have examined into all the returns, and would have been prepared perhaps at this time to show to this honorable body that the mistakes before alluded to were made in Mr. Kelly's favor, which, if rectified, would give me a majority of at least six votes. What effect, sir, is this course of proceeding to have upon this affair? Will it be right for the gentleman to take advantage of his own omission to give me notice, when he had it in his power to do so, and that I should now be precipitated from the seat which I occupy, without having any chance to show by testimony that I ought to retain it? I would presume, sir, that the House of Representatives of the United States would never be prepared to make such a decision. I cannot avoid more particularly noticing the apology of the gentleman for not apprizing me of the supposed mistake, when I recollect that on Friday last he stated to this committee, that the reasons which induced him to suspect a mistake had been made in the return from Warren, was, that he passed by Warren court-house the day after the election, and that the sheriff had given him the number of votes I got there, which was 224 only. This shows that when he saw me he must have been convinced there was a mistake, and therefore, delicacy should not have prevented him from making it known

to me. I never saw a statement of the returns from the different counties until I got to Knoxville and was shown it by the editor of the Knoxville Gazette, to whom Mr. Kelly had sent it.

Mr. Kelly said on Friday last, that "there were some men whose resources would be amply sufficient to enable them to travel so great a distance backwards and forwards, in the prosecution of such a contest, while the resources of others would be too limited for such a task." What idea these remarks were intended to communicate, I will not distinctly undertake to say; but I presume, sir, the affluent or indigent circumstances of parties will never be said to have any influence on this honorable body, in making a decision on a subject involving the legitimacy of a Representative of the people to the National Legislature. Mr. Kelly says, that if the mistake in the return from Warren had not been made, he would have obtained the commission of the Governor, and now would have been occupying my seat; and that he should now be placed in the same situation he would have been in if the mistake had not been made. This I know, sir, is the most plausible argument that could be urged in his favor, and upon the first consideration of it, it is admirably calculated to produce doubt upon the subject. But, upon a closer examination, it will be found to have nothing like reason for its support. Suppose Mr. Kelly on this occasion, instead of attempting to prove a mistake in the sheriff's return, had brought along with him credible witnesses, and had proved before the Committee of Elections, by them, that two or more persons that voted for me were, by the laws of Tennessee, not entitled to vote. And, suppose in that case he had contended that if I had not gotten those two or more illegal votes, he would have obtained the commission of the Governor, and would at this time have occupied my seat. Will it be said in a case like that—without my having had any notice of an intention on his part to contest my election before my arrival here, it would be right for me to surrender my seat, and return home to procure testimony to show that he received illegal votes also? No, sir, it might justly be said in a case like that, on my part, that if I had received notice that my election was to be contested, I might have been prepared to show that he got more illegal votes than I did. So also in this case, if I had received reasonable notice, I might have been prepared to show that more mistakes were made in his favor than in mine. The principle is the same. I had no notice, until my arrival in this city, that my election would be contested.

It is a fact, sir, which Mr. Kelly (to use his own language) will not hazard the contradiction of, that the sheriff of Franklin county did write to him a day or two after the election, stating that the number of votes which he got in that county was 223; the friends of Mr. Kelly told me they saw the sheriff's statement to him, and I received a letter by the last mail from a gentleman in Warren county, of high respectability,

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well known to all my colleagues from West Tennessee, confirming it to be a fact.

Independent of these reasons, I allege, that if I had time to procure testimony, I am informed and believe that I could prove the deputy sheriff of Rhea county, who held the election, was guilty of destroying tickets which had been given in by voters for Mr. Rodgers, and of putting other tickets in for Mr. Kelly in their place—and that upon counting out the tickets, their number wanted one of being equal to the number of votes. I received by the last mail a statement of these facts from Mr. Rodgers, a gentleman who was also a candidate, and who is well known to all my colleagues as a man of character and veracity. This, sir, is the only species of testimony that it could be expected for me to produce at this time in favor of a continuance of this contest.

What, sir, would be the consequence if it should be the opinion of the committee that they would decide finally upon it now, without giving me time to procure testimony? Mr. Kelly would be permitted to take my seat, and I would have to return home in search of evidence to show he was not entitled to it. Perhaps before the close of the session I might return here with evidence to show that a mistake had been made in favor of Mr. Kelly in one other return, which, if rectified, would give me a majority, whereupon I would be reinstated in my seat. Mr. Kelly might then go in search of other mistakes, or of illegal votes, and thus there would be no end to the contest.

But, sir, if we waive every consideration with respect to the want of notice, and decide from the legal testimony before us, it will still be found that the majority of votes would be in my favor. The law of Tennessee upon the subject requires that the sheriff shall certify who are the inspectors of each election in his county, and that his certificate shall be attached to the return. Upon looking at the document produced from the Secretary's office, containing all the returns, it will be found that there appears to be no such return from Roane county as is required by law—as it has no certificate of the sheriff showing that the persons who have signed themselves as inspectors were such.

Considerable further debate took place; when the Committee rose without coming to any decision. And the House adjourned to Monday.

MONDAY, June 7.

SHADRACK BOND appeared, was qualified, and took his seat, as the Delegate from the Illinois Territory.

Mr. ARCHER, from the Committee of Ways and Means, reported a bill for the relief of David Henley; which was read twice, and committed to a Committee of the Whole to-morrow.

Mr. DAWSON, from the Committee for the District of Columbia, presented a bill to incorporate a company for making a certain turnpike road in the county of Washington, in the District of Columbia; which was read twice, and commit-

ted to a Committee of the Whole on Thursday next.

Mr. DAWSON, from the same committee, also presented a bill to incorporate a company for making a certain turnpike road in the county of Alexandria; which was read twice, and committed to a Committee of the Whole on Thursday next.

Mr. DAWSON, from the same committee, also presented a bill to increase the capital stock of the Bank of Washington; which was read twice, and committed to a Committee of the Whole to-morrow.

A message from the Senate informed the House that the Senate have passed a bill "for the relief of Alexander Phoenix," in which they desire the concurrence of this House.

The bill was read twice, and committed to the Committee of Ways and Means.

The House resolved itself into a Committee of the Whole on the report of the Committee of Elections, on the petition of William Kelly, contesting the election of Thomas K. Harris, sitting member, from Tennessee.

The Committee rose, after two or three hours' discussion, without having come to a decision.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of

Representatives of the United States:

I lay before Congress copies of certain Legislative acts of Pennsylvania, transmitted for that purpose by the Governor of that State.

JAMES MADISON.

WASHINGTON, June 5, 1813.

[The papers communicated by the President with the preceding Message, were, "A supplement to an act to incorporate a company for the purpose of cutting and making a canal between the river Delaware and the Chesapeake Bay," and extracts from the act mentioned in the above title.]

The SPEAKER laid before the House a letter from the Governor of the State of Connecticut, enclosing a resolution of the Legislature of that State, not ratifying an amendment proposed by Congress to the Constitution of the United States, respecting titles of nobility.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting a code of rules and regulations for the Army of the United States, which has received the approbation of the President; which were referred to the Committee on Military Affairs.

TUESDAY, June 8.

Two other members, to wit: from Pennsylvania, HUGH GLASGOW; and from Ohio, REZIN BEALL; appeared, produced their credentials, were qualified, and took their seats.

Mr. ALSTON, from the Committee of Revisal and Unfinished Business, made a report; which was read, and ordered to lie on the table.

Mr. DAWSON, from the Committee for the District of Columbia, presented a bill to incorporate an Insurance Company in Georgetown, in the

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District of Columbia; which was read twice, and committed to a Committee of the Whole on Thursday next.

Mr. DAWSON also presented a bill to incorporate the Fire Insurance Company of Alexandria; which was read twice, and committed to a Committee of the Whole on Thursday next.

Mr. DAWSON also presented a bill to incorporate a Marine and Fire Insurance Company in the town of Alexandria; which was read twice, and committed to a Committee of the Whole on Thursday next.

A message from the Senate informed the House that the Senate have passed a bill "supplementary to the acts heretofore passed on the subject of an uniform rule of naturalization;" in which they desire the concurrence of this House.

The bill was read twice, and committed to a Committee of the Whole to-morrow.

On motion of Mr. FISK, of Vermont, the Committee on Foreign Relations were instructed to inquire into the expediency of making further provision, by law, for prohibiting trade and intercourse between the citizens of the United States and the enemies thereof, and that they report by bill or otherwise.

On motion of Mr. McKIM,

Resolved, That the Secretary of the Treasury be directed to report to this House what progress has been made in preparing a digest of the arts and manufactures of the United States, from the returns reported to him by the marshals, as directed by a joint resolution of both Houses of Congress, in February, 1812.

THE SPEAKER laid before the House a resolution of the General Assembly of the Presbyterian Church, appointing for the Churches under their care a day to be set apart as a day of humiliation, fasting, and prayer.—Laid on the table.

The House resolved itself into a Committee of the Whole on the report of the Committee of Elections, for allowing to Mr. Harris, of Tennessee, and Mr. Kelly, who contests his election, a further time of three months to procure evidence in relation to the same.

After considerable further debate, the report was adopted in Committee, and confirmed by the House, where the vote was—for the report 102, against it 55.

And, on motion, the House adjourned until to-morrow.

WEDNESDAY, June 9.

A message from the Senate informed the House that the Senate have passed a bill "concerning certain streets in Georgetown," in which they desire the concurrence of this House.

The bill was read twice, and ordered to be read the third time this day. The bill was then read the third time, and passed.

The House resolved itself into a Committee of the Whole, on the bill to increase the capital stock of the Bank of Washington. The bill was gone through in Committee, reported to the House, and ordered to lie on the table.

MILITIA PENSIONS.

Mr. McLEAN offered the following resolutions for consideration:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of making some provision for the widows and orphans of the militia slain by the enemy, or who may hereafter be slain by them, during the present war, while in the actual service of the United States, and for whose families no provision exists by law; and that they report by bill or otherwise.

Resolved, That the Committee of Claims be instructed to inquire whether any provision ought to be made for the indemnification of those persons who had property taken into the service of the Northwestern Army under the command of General Hull, and which, in consequence of his surrender of the garrison at Detroit, fell into the hands of the enemy; and that they report by bill or otherwise.

Mr. McLEAN introduced these resolutions by observing that he had examined the existing provisions of the laws on the subject of the first resolution, and had not been able to find that they embraced the object therein contemplated. There was indeed, he said, a provision for volunteers for twelve months, but none for the families of those who volunteered for a shorter period. He trusted that on this subject there could exist no difference of opinion; but that the Government would make such provision for the representatives of the men who had fallen in service as might in some degree free them from the pressure of want. It appeared to him that the inquiry ought not to be made, whether or not an individual slain in battle had been regularly enlisted or had volunteered for twelve months. The only question ought to be—was he, when he fell, fighting under the eagles of his nation against the enemies of his country. No matter whether he came to his death in resisting the marauders of our coast, or the savage enemy; his family was entitled to relief. The latter part of the resolution, Mr. McLEAN said, was intended to institute an inquiry into the propriety of making provision for those persons, whose property was taken into public service by the detachment under the command of General Hull, who had assisted that army in its progress to Detroit, and, in consequence of the surrender of that place, fell into the hands of the enemy. Although that property had been generally valued, yet, from the confusion which ensued on the surrender, many of those valuations had been lost. Mr. M. said he was informed that many applications had been made on this head to the Paymaster General, who could not pay the money, it appeared, without regular vouchers. Persons thus situated had a right to appeal to their country, and ask for remuneration; and he hoped he would not be refused.

The first proposition was agreed to.

Mr. SEYBERT suggested the propriety of making the inquiry proposed in the second resolution more general.

Mr. GROSVENOR moved to strike out the latter part of the resolution, and in lieu of it insert,

"those persons whose property has been captured or destroyed by the enemy during the present war." He did not propose a general provision for the relief of all who should come under this description; but there were an hundred cases, perhaps, to which relief ought to be extended, as well as to the sufferers at Detroit. The committee would, by having the whole subject before them, report generally, and save the House the trouble of distinct references.

Mr. FINDLEY said that in all the Revolutionary war, no provision had been made to compensate persons for property destroyed by the enemy. A distinction had always been taken in favor of property destroyed in the public service. The principle proposed in the amendment, which would include every vessel captured at sea, was not lightly to be gone into. He wished the resolution to lie for further consideration. He was of opinion some further legal provision was necessary, but how far he was not prepared to say.

The resolution was ordered to lie on the table.

NATURALIZATION LAW.

On motion of Mr. FRISK, of New York, the House resolved itself into a Committee of the Whole, on the following bill:

A bill supplementary to the acts heretofore passed on the subject of an uniform rule of naturalization.

Be it enacted, &c., That all alien enemies resident in the United States or the Territories thereof, on the eighteenth day of June, one thousand eight hundred and twelve, may be admitted citizens of the United States, at the times, and in the manner prescribed by the laws heretofore passed on that subject, anything in any former law to the contrary notwithstanding: *Provided,* That no alien enemies shall be admitted citizens, who shall not, within nine months after the passage of this act, make such declaration of their intention as is required by law: *And provided also,* That nothing herein contained shall be taken or construed to interfere or prevent the "apprehension and removal, agreeably to law, of any alien enemy, at any time previous to the actual naturalization of such alien."

The bill was read through, and, no opposition being made to it, it was reported to the House.

Mr. BURWELL stated that he was not perfectly prepared at present to act on this bill, and was desirous to offer amendments; one of which he wished to propose for the purpose, if acceptable to the House, of confining the privilege of naturalized citizens to residents within the United States. He therefore moved that the bill lie on the table for the present.

After a few words from Mr. BENSON, who appeared to think that such a provision, if necessary, need not be incorporated in this bill; the bill was ordered to lie on the table.

THURSDAY, June 10.

Mr. HEMPSTEAD appeared, was qualified, and took his seat as the Delegate from the Missouri Territory.

The House resolved itself into a Committee of the Whole, on the bill to incorporate a company for making a turnpike road in the county of

Alexandria; which bill having been gone through, was reported to the House, and, on motion of Mr. EPPES, ordered to lie on the table.

A message from the Senate informed the House that the Senate have passed a bill "for the relief of Thomas Sloo," in which they desire the concurrence of this House.

The bill was read twice, and committed to the Committee of Claims.

Mr. BURWELL, from the Committee of Elections, made a detailed report on the petition of John Taliaferro, contesting the election of John Hungerford, a sitting member from Virginia, which concludes with the following resolutions:

"*Resolved,* That the said election held in April last was illegal and ought to be set aside.

"*Resolved,* That John P. Hungerford is not entitled to a seat in this House."

The report was referred to the Committee of the Whole.

THE WAYS AND MEANS.

Mr. EPPES, from the Committee of Ways and Means, made the following report:

The Committee of Ways and Means, to whom was referred so much of the Message of the President of the United States as relates to the establishment of a well digested system of internal revenue, have had the same under consideration. They deem it unnecessary to say anything as to the necessity of providing additional revenue at a time when the general rate of expenditure has been so much increased by measures necessarily connected with a state of war. A reference to the reports from the Treasury Department and from the Committee of Ways and Means, during the last and preceding years, will show that a provision for additional revenue can no longer be delayed without a violation of all those principles held sacred in every country where the value and importance of national credit have been justly estimated. They have reviewed the system heretofore presented, and taking into consideration its having been sanctioned in its principles by a vote of the House of Representatives, have determined to recommend its adoption, with some modification, in preference to commencing a new system at a period when neither the principles or details could receive that mature consideration on which alone they could venture to recommend its adoption. The bills heretofore reported were founded on estimates which assumed for a basis the providing a revenue sufficient to meet the expenses of the Peace Establishment, the interest on the old debt, and on such new loans as have been or may hereafter be authorized. These several items for the year 1814, are estimated as follows:

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| The expenses of the Peace Establishment - | \$7,000,000 |
| The interest on the public debt— | |
| On the old funded - | 2,100,000 |
| On six per cent. stock of 1812, including temporary loans received in part of the loan of \$11,000,000, which will remain unpaid in 1814 - | 500,000 |
| On six per cent. stock of 1813 - | 1,090,000 |
| On Treasury Notes, which will be reimbursable in 1814, say on \$5,900,000 at 5 2-5 per cent. - | 270,000 |

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| | |
|-------------------------------------------------------------------|-------------|
| On the loan for 1814—interest payable within that year - - - - | \$440,000 |
| | 11,400,000 |
| The revenue now established being estimated to produce - - - - | 5,800,000 |
| Leaves to be provided for - - - - | 5,600,000 |
| To meet which sum the committee propose— | |
| 1. A direct tax of - - - - | \$3,000,000 |
| Internal duties, viz: | |
| Duties on stills, say - - - - | 765,000 |
| On refined sugars - - - - | 200,000 |
| On retailers' licenses - - - - | 500,000 |
| On sales at auction - - - - | 50,000 |
| On carriages - - - - | 150,000 |
| On bank notes and negotiable paper - - - - | 400,000 |
| On salt at 20 cents - - - - | 400,000 |
| Additional duty on foreign tonnage - - - - | 900,000 |
| | 6,365,000 |
| Deduct for expenses of collection, assessment, and losses - - - - | 750,000 |
| Leaves - - - - | 5,615,000 |

The committee therefore ask leave to report the following bills:

1. A bill for the assessment and collection of direct taxes.
2. A bill to lay and collect a direct tax within the United States.
3. A bill laying a duty on imported salt.
4. A bill establishing the office of Commissioner of the Revenue.
5. A bill laying duties on licenses to retailers of wines, spirituous liquors, and foreign merchandise.
6. A bill laying duties on carriages for the conveyance of persons.
7. A bill laying duties on licenses to distillers of spirituous liquors.
8. A bill laying duties on sales at auction of foreign merchandise and of ships and vessels.
9. A bill laying duties on sugars refined within the United States.
10. A bill laying duties on bank notes and on notes of hand, and foreign bills of exchange of certain descriptions.
11. A bill making further provision for the collection of internal duties.
12. A bill laying an additional duty on foreign tonnage.

The several bills above recited were read twice, and referred to a Committee of the Whole, and made the order of the day for Monday.

FRENCH DECREES.

Mr. WEBSTER rose, as he said, to call the attention of the House to a subject of considerable importance—a task which he had hoped would have fallen into the hands of some other gentleman better qualified than himself to undertake it. He then read the resolutions which will be found below. In offering these resolutions, it was not his intention, he said, to enter into any discussion or argument, or to advance any proposition whatever, on which gentlemen could adopt different

views or take different sides. He would merely remark, by way of explanation, what would be remembered by all, that the subjects to which these resolutions referred, were intimately connected with the cause of the present war. The revocation of the Orders in Council of Great Britain was the main point on which the war turned, and it had been demanded for the reason that the French decrees had ceased to exist. This then was the point at issue. Mr. W. remarked on what he termed the contradictory evidence on this head: the letter of Mr. Champagny on one hand asserting the revocation; the speech of the Emperor to the free cities on the other denying it; the decisions of the French Admiralty Courts on one hand, and opposite decisions of the same courts on the other. The whole matter, in short, was involved in doubt. But, on the declaration of war, and not until then, a decree appeared repealing the French decrees; a decree, which, if issued, had laid dormant, mere *brutum fulmen*, until after the war commenced, and then only made its appearance. In March last, it would also be recollected, the President had communicated to Congress, immediately before its adjournment, certain correspondence between our Government and its Minister in France, the prominent feature of which correspondence was, that, in an interview between our Minister and the French Secretary for Foreign Affairs, which took place about the 1st of May, 1812, it was stated by the latter that the decree in question had been put into the hands of our Minister in France, and transmitted to the French Minister in the United States, at the time at which it bore date. To shed light on this transaction, Mr. W. said, it was, that he moved these resolves, in the discharge of what he deemed a duty to his constituents and his country. The declaration of the French Minister had a great bearing on the reputation of the country—on the reputation of those persons who, in their official characters, represented the dignity of the nation. To place their conduct in its proper light, he presented to the consideration of the House the following resolutions:

Resolved, That the President of the United States be requested to inform this House, unless the public interest should in his opinion forbid such communication, when, by whom, and in what manner, the first intelligence was given to this Government of the decree of the Government of France, bearing date on the 28th April, 1811, and purporting to be a definitive repeal of the decrees of Berlin and Milan.

Resolved, That the President of the United States be requested to inform this House whether Mr. Russell, the Chargé d'Affaires of the United States at the Court of France, has ever admitted or denied to this Government the correctness of the declaration of the Duke of Bassano to Mr. Barlow, the late Minister of the United States at that Court, as stated in Mr. Barlow's letter of the 12th May, 1812, to the Secretary of State, "that the said decree of April 28, 1811, has been communicated to his (Mr. Barlow's) predecessor there;" and to lay before this House any correspondence with Mr. Russell, relative to that subject, which it

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may not be improper to communicate; and also any correspondence between Mr. Barlow and Mr. Russell, on that subject, which may be in possession of the Department of State.

Resolved, That the President of the United States be requested to inform this House whether the Minister of France, near the United States, ever informed this Government of the existence of the said decree of the 28th April, 1811, and to lay before the House any correspondence that may have taken place with the said Minister relative thereto, which the President may not think improper to be communicated.

Resolved, That the President of the United States be requested to communicate to this House any other information which may be in his possession, and which he may not deem it injurious to the public interest to disclose, relative to the said decree of the 28th April, 1811, and tending to show at what time, by whom, and in what manner, the said decree was first made known to this Government, or to any of its representatives or agents.

Resolved, That the President be requested, in case the fact be that the first information of the existence of said decree of the 28th April, 1811, ever received by this Government, or any of its ministers or agents, was that communicated in May, 1812, by the Duke of Bassano to Mr. Barlow, and by him to his Government, as mentioned in his letter to the Secretary of State, of May 12, 1812, and the accompanying papers, to inform this House whether the Government of the United States has ever required from that of France any explanation of the reasons of that decree being concealed from this Government and its Ministers for so long a time after its date; and if such explanation has been asked by this Government, and has been omitted to be given by that of France, whether this Government has made any remonstrance, or expressed any dissatisfaction to the Government of France, at such concealment.

Mr. GROSVENOR having required the yeas and nays on the question of proceeding now to consider the resolutions, they were found to be—for consideration 132, against it 28, as follows:

YEAS—Messrs. Alexander, Alston, Anderson, Archer, Avery, Barnett, Baylies of Massachusetts, Beall, Benson, Bibb, Bigelow, Boyd, Bradbury, Bradley, Breckenridge, Brigham, Brown, Burwell, Caperton, Champion, Chapell, Cheves, Cilley, Comstock, Conard, Condict, Cooper, Cox, Culpeper, Davenport, Davis of Massachusetts, Davis of Pennsylvania, Dewey, Duvall, Earle, Ely, Eppes, Farrow, Forney, Forsyth, Franklin, Gaston, Geddes, Gholson, Gloninger, Goldsborough, Goodwyn, Grosvenor, Grundy, Hale, Hanson, Harris, Hawes, Hopkins of New York, Howell, Hubbard, Humphreys, Hungerford, Hyneman, Ingersoll, Irwin, Jackson of Rhode Island, Jackson of Virginia, Kennedy, Kent of N. York, Kent of Maryland, Kerr, Kilbourn, King of Massachusetts, Law, Lewis, Lovett, Lyle, McCoy, McKee, McLean, Miller, Moseley, Murfree, Murkell, Newton, Oakley, Pearson, Pickering, Piper, Pitkin, Pleasants, Post, Potter, John Reed, William Reed, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ridgely, Ringgold, Robertson, Ruggles, Schureman, Seybert, Sharp, Sheffey, Sherwood, Shepherd, Skinner, Smith of New Hampshire, Smith of New York, Smith of Virginia, Stanford, Stockton, Stuart, Sturges, Taggart, Tallmadge, Tannehill, Taylor, Telfair, Thompson, Troup, Vose, Ward of Massachusetts, Ward of New Jersey, Webster, Wheaton,

White, Whitehill, Wilcox, Wilson of Massachusetts, Winter, Wood, Wright, and Yancey.

NAYS—Messrs. Bard, Bowen, Butler, Caldwell, Clark, Clopton, Crawford, Dawson, Denoyelles, Desha, Findley, Glasgow, Gourdin, Hall, Ingham, Kershaw, King of North Carolina, Lefferts, Montgomery, Nelson, Ormsby, Parker, Roane, Roberts, Sage, Sevier, Smith of Pennsylvania, and Wilson of Pennsylvania.

The resolutions having been again read,

Mr. BIBB said he was persuaded that, on every proper occasion, the most perfect disposition would be manifested by the House to ask for any information solicited by one of its members. It was unquestionably their right, and under certain circumstances their duty, to ask for information of the Executive in relation to public affairs, but under other circumstances it might be improper. We are therefore, said Mr. B., in exercising this right, to judge of the effect any call is likely to produce on the public service. If it will not be prejudicial, the call ought to be indulged; but, if it might do injury, it would unquestionably be proper to refuse the call. For myself, said Mr. B., I am unable to determine at present, from the great extent of the resolutions, whether it would be proper to make the call or not. No injury, certainly, could result from a day's delay. Mr. B. therefore moved that the resolutions lie on the table, and be ordered to be printed.

Mr. WEBSTER said he had not the least objection to this course. He was willing to give the gentleman every opportunity to examine the resolutions, under the perfect conviction that he would find that nothing was demanded which could in any way be prejudicial to the public service.

The resolutions were ordered to lie on the table accordingly.

FRIDAY, June 11.

A message from the Senate informed the House that the Senate have passed a bill "to provide for the government of persons in certain fisheries," also, a bill "to provide for the accommodation of the household of the President of the United States;" in which bills they desire the concurrence of this House.

The first mentioned bill was read twice, and committed to the Committee of Revision and Unfinished Business.

The second mentioned bill was read twice, and committed to a Committee of the Whole on Monday next.

Mr. DAWSON, from the Committee on the District of Columbia, to whom was referred the petition of the President and Directors of the Farmers' Bank of Alexandria, praying an extension of their charter, made a report "that the prayer of the petitioners ought not to be granted."—Report concurred in.

Mr. DAWSON also reported a bill to authorize the sale of the *Glebe*, in the county of Alexandria, in the District of Columbia, and to provide for the adjustment of the adverse claims to the same.—Twice read, and committed.

On motion of Mr. EPPES, the Committee of

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Naturalization Laws.

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Ways and Means were discharged from the further consideration of the memorial for the establishment of a new bank in this District, to discount at a rate of interest less than six per cent. And it was committed to the District Committee.

Mr. ALSTON, from the committee to whom the subject had been referred, reported, in part, the following resolution for the adoption of the House :

"Resolved, That a sum not exceeding two hundred dollars be, and is hereby appropriated, out of the contingent fund of this House, for the purpose of making provision for the accommodation of stenographers in the galleries of the House, and that, whenever such provision shall have been made, no stenographers shall be admitted on the floor of the House."

The latter clause of this resolution was opposed by Mr. WRIGHT and Mr. MACON as being both unnecessary and inexpedient. Mr. MACON moved to amend the resolution by striking out the words in *italic*; but the motion was negatived, and the report was adopted, as above.

A bill from the Senate for the government of persons employed in certain fisheries, was twice read and referred to the Committee of Revisal and Unfinished Business.

A bill from the Senate to provide for the accommodation of the household of the President of the United States was twice read, and committed.

A motion was made, by Mr. DAWSON, to reconsider the vote, this day passed *sub silentio*, declaring it to be inexpedient to extend the charter of the Farmers' Bank of Alexandria.

Mr. GHOLSON observed that he knew nothing of the merits of this application; but, a single fact which had come to his knowledge was sufficient to influence his mind to give the application a fair and considerate hearing. That fact was, that this little bank, with a capital of only \$300,000, had promptly come forward and loaned to the General Government \$200,000.

The vote was reconsidered, and the report of the committee against the application was referred to a Committee of the Whole.

The bill to incorporate a company to make a turnpike road in the county of Washington, passed through a Committee of the Whole, and was ordered to be engrossed for a third reading, as was also a bill to incorporate a company for making a turnpike road in the county of Alexandria, which had passed through a Committee of the Whole yesterday.

The House resolved itself into a Committee of the Whole, on bills to incorporate two or three insurance companies in this District; which were gone through, and reported to the House.

On motion of Mr. ROBERTS, these bills were ordered to lie on the table for examination, as he conceived their provisions to be too indefinite and unrestricted, &c.

On motion of Mr. HEMPSTEAD, the Committee of Public Lands were instructed to inquire into the expediency of allowing further time for the payment for public lands in the district of Arkansas, in the Territory of Missouri; with leave to report by bill or otherwise.

NATURALIZATION LAWS.

On motion of Mr. FISK, of New York, the House resumed the consideration of the naturalization laws.

Mr. BURWELL rose to say that he had waived for the present his intention of proposing amendments to this bill; but he wished to give notice that he should not, at this, but at the next session of Congress, propose a radical change of our naturalization laws. He thought it was the duty of Congress to repeal, *in toto*, the laws of naturalization, or amend them in such a manner as to dry up the sources of collision with foreign Powers which those laws, as they now stand, might afford. These provisions he should propose at the present session, if he thought they would now receive the mature investigation which they merit. He had considerable objections to the bill before the House, as it now stood; unless they were removed, he must vote against it. The principal objection was, that it would give to the numerous class of foreign merchants, who have been ordered from the seaports, the advantage of availing themselves of all the benefits of citizenship, and the protection and privilege they convey, by merely declaring an intention to become citizens. Whilst the Government has rendered it impossible for foreign seamen to become citizens of the United States, he felt great reluctance to extend the benefits of naturalization to those who should seek naturalization merely in the way of trade, to enable them to acquire wealth among us with the greater facility.

Mr. GASTON said that he, too, like the gentleman from Virginia, (Mr. BURWELL,) had many objections to the bill. But that would not prevent him from endeavoring to amend it. A proviso to the bill, denies the right of acquiring citizenship to every alien "who shall not, before a certain day, declare his intention," &c. The phraseology of the bill would, at least, admit of doubt whether a similar declaration was not required, after the passage of this bill, from those who have heretofore made such a declaration. To remove this ambiguity, he moved an amendment, to include, also, those "who have already made" the necessary declarations, &c.

The amendment was adopted.

Mr. SHIPHERD said it was a fact which came within his knowledge, that many persons had been naturalized since the date of the declaration of war, viz: the 18th of June last. It was right, he thought, that those persons should be secured in the privileges of citizenship, without the additional trouble of renewing their oath, &c. He, therefore, moved an amendment, the object of which was to declare all such naturalizations as valid as if made before that day.

This motion was negatived without debate. For the motion, 57; against it, 73.

Mr. MACON proposed an amendment, the object of which was to confine the privilege of naturalization to such persons as have already declared their intention to become citizens, and going to take away the indulgence proposed to be allowed to those who have not so declared.

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Virginia Contested Election.

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Mr. GROSVENOR, after expressing his wish that this bill should be amended by a competent committee, with reference to its bearing on the law of last session, and the policy of the measures then adopted, moved that the petition be referred to the Committee on Foreign Affairs.

Motion agreed to *nemine contradicente*.

SATURDAY, June 12.

Mr. NELSON, from the Committee on Naval Affairs, reported a bill to reward the officers and crew of the sloop of war Hornet; which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. ARCHER moved to commit to the Committee of Claims, so much of the report of the Committee of Unfinished Business as relates to a bill concerning invalid pensioners. This annual bill, it would be recollected, passed this House at the last session, but, having been amended by the Senate, had not been returned to this House in time to be acted on before adjournment.

The motion was agreed to.

CONTESTED ELECTION.

The House resolved itself into a Committee of the Whole, on the report of the Committee of Elections on the contested election of John P. Hungerford, which report is in the following words:

The Committee of Elections, to whom was referred the petition of John Taliaferro, complaining of the undue election of John P. Hungerford returned as one of the Representatives from Virginia in the present Congress, have had the same under consideration and report:

That, at the last Congressional election in that State for Representatives, the said John P. Hungerford was returned as elected from the district composed of the counties of Westmoreland, Richmond, Lancaster, Northumberland, King George, and Stafford. The petitioner was also a candidate. The laws of Virginia prescribing the manner of conducting such elections direct that "the clerks of the polls shall enter in distinct columns, under the name of the person voted for, the name of each elector voting for such persons."

They further direct that "the clerks of the polls, having first signed the same, and made oath to the truth thereof, a certificate of which oath under the hand of a magistrate of the county shall be subjoined to each poll, shall deliver the same to the sheriff," &c.

Upon inspecting the polls of the several counties, the following facts appear:

In Westmoreland, the names of the voters are all entered in one general column, on the left hand margin of the book; and figures in numerical order, instead of the names of the voters, are inserted in the columns under the names of the candidates, as evidence for whom each vote is given.

In Richmond, the voters are registered in one column, and a straight mark, instead of the name of the voters, is inserted under the name of the candidate.

In Stafford, the Christian name of the voter is not written on the poll; the initial letter only is given. The same occurs partially in Lancaster.

On the polls of Westmoreland, Richmond, Lancaster, and Stafford, no certificate is found of any oath having been administered to the clerks keeping the same.

The petitioner contends, that the irregularities and deviation from the express provisions of the law, are of such a nature as to render void the election, and require a new one to be held. On the other hand it is urged by the sitting member, that most of the proceedings objected to, are justified by general practice, and that the manner of keeping the poll by entering the names of all the voters in one general column, is sanctioned by long usage; and that in Stafford, the initial only of the Christian name of the electors had been entered on the polls for several past elections.

The committee are sensible that trivial errors, committed by the officers conducting elections, resulting perhaps from a misconstruction of a doubtful passage of the law, ought not to deprive any class of citizens of the right of representation.

Still it must be manifest, that to preserve the elective franchise pure and unimpaired, the positive commands and requirements of the law, in respect to the time, place, and manner of holding elections, ought to be observed.

To enter the names of the voters promiscuously in one margin of the poll book, when the law positively directs them to be "entered in distinct columns," and "under the name of the candidate voted for," is as manifest a departure from the law, as the selection of another time or another place, than that mentioned in the law. Nor can the committee conceive, that the prefixing the initial only of the Christian name to that of the family or surname of the voter, is a fair compliance with the spirit and intent of the law, which declares "that the names of the voters shall be duly entered in distinct columns," &c. It is to be presumed, that the object of the law in having the name "duly entered," is to exhibit to the country, on a scrutiny, who are the persons voting, and to test their title to a vote, by comparing the poll with the land roll.

And when for example the initial letter is I, it must be obvious, that it may be taken to stand for John, or Joseph, or Jonathan, or Joshua, or Jeduthun, or Israel, Isaac, or Jacob, or Isaiah, or Jeremiah, and it would require no small share of perseverance and industry to contest an election when such endless uncertainty stands in the way of examination.

The committee have not been satisfied, that such irregularities have ever been sanctioned on a scrutiny, either by the Legislature of Virginia or of the United States. When opposing candidates have not objected to them, they may have passed *sub silentio*. We feel no hesitation in saying that custom ought not to justify a departure from the spirit and letter of positive law.

Upon a view of the whole ground, the committee, convinced of the importance of adhering strictly to the provisions of the law, as well as of the irregularities in conducting this election, respectfully submit the following resolutions:

Resolved, That the said election, held in the aforesaid district in April last, was illegal and ought to be set aside.

Resolved, That John P. Hungerford is not entitled to a seat in this House.

The House were occupied during the remainder of this day in the discussion of this report, and adjourned without coming to any decision thereon.

MONDAY, June 14.

Mr. McKEE, from the Committee on the Public Lands, reported a bill for the relief of John

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Committee of Elections—Distribution of Arms.

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James Dufour, and his associates; which was read twice, and committed to a Committee of the Whole to-day.

Mr. TROUP, from the Committee on Military Affairs, reported a bill to provide for the widows and orphans of militia slain, and for militia disabled in the service of the United States; which was read twice, and committed to a Committee of the Whole on Wednesday next.

On motion of Mr. HEMPSTEAD,

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of continuing in force "An act authorizing the President of the United States to raise certain companies of rangers for the protection of the frontiers of the United States," passed January 2, 1812; and the act supplementary thereto, passed July 1, 1812; with leave to report, by bill or otherwise.

The engrossed bill authorizing the incorporation of a company for making a turnpike road in the county of Washington, in the District of Columbia; and the engrossed bill to incorporate a company for making certain turnpike roads in the county of Alexandria, in same District; were read a third time and passed.

COMMITTEE OF ELECTIONS.

Mr. KING, of Massachusetts, after introductory remarks, explanatory of his views in respect thereto, offered for consideration the following resolutions:

1. *Resolved*, That the Committee of Elections be instructed to inquire into the expediency of reviving an act, entitled "An act to prescribe the mode of taking evidence in cases of contested elections for members of the House of Representatives of the United States, and to compel the attendance of witnesses;" or of reviving such parts thereof as they may judge expedient; with such alterations and additions as to them may appear necessary.

2. *Resolved*, That the rules and orders of this House be so far altered or amended, as that the Committee of Elections shall in future be designated by lot; for which purpose the names of all the members who shall take their seats on the first day of any session, on which the House may form a quorum, shall be put into a ballot box by the Clerk, in presence of the House, and seven of them shall be drawn therefrom by the Speaker, also in presence of the House; which seven members, thus drawn, shall constitute the Committee of Elections. But if, in any case of contested election, one or more of said committee be interested therein, or related to either of the parties, he or they shall, on motion to the House, be excused from sitting thereon, and one or more members shall be substituted in such case by lot, as aforesaid, from all the members who shall then be present, not on said committee, nor parties in said case.

3. *Resolved*, That a special committee be appointed to examine the decisions of this House, already made, on the subject of contested elections, and report the rules, points, and principles, which appear to them to have been thereby settled or adjudged, and the cases in which they may have been thus settled or adjudged.

The resolutions were read: when the first resolution was concurred in by the House; the sec-

ond was ordered to lie on the table; and the third was postponed until Friday next.

CONTESTED ELECTION.

The House then proceeded to the order of the day—the consideration of the report of the Committee of Elections on John Taliaferro's petition, contesting the election of John P. Hungerford—in Committee of the Whole.

The House sat till a late hour on this report, which underwent a full discussion; when the Committee rose, a motion was made to discharge the Committee of the Whole from the further consideration of the report, and negatived.

TUESDAY, June 15.

Another member, to wit: from Ohio, WILLIAM CREIGHTON, jun., appeared, produced his credentials, was qualified, and took his seat.

Mr. EPPES, from the Committee of Ways and Means, reported the bill from the Senate, "for the relief of Alexander Phoenix," with amendments; which were read, and concurred in by the House, and ordered to be engrossed for a third reading to-morrow.

DISTRIBUTION OF ARMS.

Mr. PITKIN rose to propose a motion. He said that in 1808, it was within the knowledge of all, that a bill had passed for arming and equipping the whole body of the militia of the United States, and an annual appropriation of \$200,000 had been made for that object. Since that time a number of arms had been procured under the law, and a distribution in part had taken place. It appeared, by documents placed before the House at a former session, that there had been procured, in consequence of this appropriation, upwards of 31,000 stand of arms; and that about 16,000 stands had been distributed to several of the States and Territories, eleven in number. The House had no information of the distribution of the remainder, or that any distribution had taken place of those which had been since procured—for contracts had been announced to have been made, to a considerable extent, for further supplies. The construction given to the law appears to have been, that a distribution might be made to some States to the exclusion of others. This construction, Mr. P. apprehended, was a very different one from that contemplated by the Legislature which passed the law. The fair construction of the law, and according to his recollection the object of those who passed it, was, that the arms should be equally distributed as received by the United States. Mr. P. quoted the terms of the law, requiring the transmission of the arms procured under it to the several States and Territories, to be distributed by the local authority of each. The report made to the House on this subject, accounted for the inequality of distribution, by stating that the arms had been distributed to those parts of the Union most exposed. The situation of the United States had materially changed since that letter was written. Mr. P. said, his

own opinion had been decidedly, that whenever a distribution took place it should be in equal proportions to each State, in proportion to its effective militia. But he would remark upon the principle stated in the War Department, that now, and at the time that letter was written, there were many States as much exposed as those to whom arms had been distributed. Arms had, for instance, been given to New Hampshire, and not to Massachusetts, Connecticut, New York, Pennsylvania, or Virginia. As to the situation of New York, no one, he presumed, would imagine that she was not as much exposed as New Hampshire. Of seacoast New Hampshire had but a single point, and yet arms were given to her, whilst none were given to Connecticut, with a seacoast of a hundred and twenty miles, and a comparatively small territory, or to Massachusetts, with her numerous ports. Already had Connecticut three or more regiments called out to defend a squadron of the United States, which had sought shelter within her waters. With or without this evidence of her exposed situation, she was entitled to her fair proportion of the arms procured under the law in question. For the purpose of examining whether it was not the intention of the law that the arms should be equally distributed to each State, and to bring the subject generally before the House, he offered the following resolution:

Resolved, That a committee be appointed to inquire whether any, and, if any, what alterations are necessary to be made in the act for arming and equipping the whole body of the militia of the United States; and whether any, and, if any, what alterations are necessary, as to the time when the arms, procured by virtue of this act, shall be distributed in each State and Territory; and that the committee have leave to report by bill or otherwise.

Mr. TROUP said that, no doubt, the gentleman from Connecticut, in offering this resolve, had been actuated by the most fair and patriotic motives: but he was well aware that they would be liable to misconstruction; that the motion would be liable to be considered as calculated to excite distrust and jealousy between the General and State governments. It was very true, as the gentleman had stated, that in 1808, the Legislature did make an appropriation towards a complete arming of the militia of the United States. It appeared in December, 1812, from official information to the House, that an amount of \$400,000 had actually been expended under the law, and that 24,000 stands of arms had been placed in the hands of a part of the militia. This number of arms, to be distributed among the great body of the militia, bearing but a small proportion of the whole, it became a question, how these arms should be distributed. What was the fair standard presenting itself to the Government? To whom should these arms have been distributed? To those States, surely, in preference, which stood in the greatest need of arms: not to the States not threatened with invasion, not actually invaded; but to those which were threatened, to those which were actually invaded. The Gov-

ernment assuming to itself this rule, did distribute the arms among the States, confining the distribution principally to those States which were most jeopardized. In examining the apportionment of these arms, we shall find that nothing like political prejudice has operated, as the gentleman has seemed to insinuate. To three Federal States, 4,500 of the 16,000 stands distributed, were given. True, none were given to Massachusetts or Connecticut, two Federal States; but, let it be recollected, none were given to New York, always decidedly republican in the mass of its people; not a single stand was given to Pennsylvania, the centre, the sun (if you will) of democracy, who has always supported the present Administration by a majority of thirty thousand votes. Virginia, the Ancient Dominion, whose influence is said to be everywhere present, did not receive a single stand. He submitted to the gentleman and to the House whether, in this distribution, there had been anything like political partiality. Gentlemen in opposition, from the Eastern States, did themselves declare, when the law of 1808 was on its passage, that this principle was incorrect and radically wrong; because, under the present system of militia, having carried the law into execution, the militia of the Eastern States were completely armed. We well recollect that a gentleman from New York got up and stated, that their militia were not fully armed; but the gentlemen on the other side contradicted him, and declared that their militia were well armed. When this act was repeatedly stated on the floor of Congress, and was perfectly well known to all, what was the Executive to do in regard to the distribution of the few arms which had been procured? Unquestionably to distribute them in the first instance, not to those already armed, but to those who stood in need of them. This course it had pursued.

Mr. PIERCE said he was not a little surprised that the gentleman should have taken so wide a range in opposition to a resolution, the object of which was merely to inquire into the propriety of amending a law. He was very sorry also that the gentleman should have introduced a distinction between Federal and Democratic States. Sure he was, Mr. P. said, that he had said nothing which could lead to the observations which the gentleman had made on this head. The gentleman himself certainly would not pretend that a discrimination ought to be made between States according to their political complexion. Mr. P. said he had made no charge of partiality. He had stated that a construction had been given to the law different from that which the Legislature intended; and this fact, which is the very object of the inquiry, the gentleman seemed to admit. If the Secretary of War could designate the States to which he would now give arms, in preference and to the exclusion of the others who are equally entitled, he may do so for any length of time: and particular favorite States (if he might say so) might have the whole of their militia armed, whilst to others not a single musket would be given. This was never contemplated

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by those who passed the law. Each State paid its proportion of the revenue which was applied to the purchase of arms; and each State, whether well or ill-armed previously, ought to have its proportion of arms. Mr. P. quoted the report made at the last session, from which it appeared that 16,000 stands of arms only had been distributed under the law. Some had been *loaned*, to the amount of about 8,000 stands; but the Government was certainly not authorized to *loan* arms procured under a special appropriation for a different purpose. The loaning was in violation of the law. The object of this resolution was not to excite jealousies or draw invidious distinctions, but to inquire into the execution of a law. Mr. P. said the gentlemen might, in speaking of his motives, have spoken ironically; but he was mistaken if he had attributed to Mr. P. other motives than those which he had declared to have induced him to bring forward this motion. It was a fair subject of inquiry, and, he contended, a proper one. The militia of the Eastern States might be armed better than those of the South, and those arms had been procured at their own expense. But that was no reason why they should not claim the arms to which they were entitled. You might as well say that a rich man should not recover a debt because his neighbor wanted money more than himself. If the exposed situation of States, however, were the sole criterion, he had shown that some States which had received no arms were more exposed than others which had.

Mr. TROUP said the gentleman had mistaken the import of his observations. He had not contended that the operation of the law ought to be unequal, because every State would eventually reverse its proposition; nor had he opposed the motion, about the fate of which he felt little anxiety. The gentleman had in the outset endeavored to show, without using the word federal, that the two Federal States of Massachusetts and Connecticut had been unreasonably neglected; and, Mr. T. said, he had merely risen to show how groundless was the imputation of partiality in this respect, in which design he had succeeded, according to the gentleman's own acknowledgment.

Mr. PITKIN said he really had supposed the gentleman meant to oppose his motion. It was far from his intention to have introduced political distinctions of States into the House.

Mr. FISK, of New York, said, although he had himself no particular desire for the inquiry sought for, he was not disposed to refuse it to those who wished it. He thought, however, the subject had better be referred to the Committee on Military Affairs; and moved an amendment directing that committee to inquire, &c.

Mr. PITKIN objected to this amendment. The proposed inquiry regarded the construction of a law, and not anything relating to the present war. It had therefore no connexion with military affairs, and would be improperly referred to that committee.

Mr. FISK replied, that the amendment which
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he had proposed still appeared to him perfectly proper. The subject of inquiry was the distribution of arms; and if arms had no relation to military affairs, he did not know the use of them.

The amendment proposed by Mr. F. was adopted—yeas 82.

Mr. FISK, of Vermont, said that the resolution, he was sorry to say, presented itself at a time and under circumstances, which, however disposed, would prevent him from voting for it, as it would in his view imply a censure on the Executive. A part of the arms had been assigned to the State in which he lived; but not to Massachusetts and Connecticut—and why? Because they were not exposed to danger, and needed not defence at that moment, as other States did. If we may believe the official communications of their Executive, those States were in the first place in no danger whatever of invasion; and, in the next place, if they were in danger, they were in such a high state of discipline and so well supplied with arms as to be perfectly competent at any moment to repulse an invading foe. The State of New Hampshire, however, took a different ground. Perhaps her militia were not so well armed; I know it was the case in Vermont, where the militia were very illy armed. Now I think, sir, that the Executive of the United States proceeded on perfectly just grounds in that moment of peril. The Government thought proper to distribute arms to those States which were in danger, and not to those whose Governors had officially informed it that they thought their respective States perfectly secure. Mr. F. then quoted the letter recently published from the Secretary of War to the Governor of Massachusetts; stating that Massachusetts would receive her due proportion of arms whenever the state of things would justify it. There was no fear therefore of her being deprived of her right. He thought it proper to say what little he had, because it appeared to him that the letters of the Governors of Massachusetts and Connecticut furnished a complete and ample reply to the complaint that they had not been furnished with arms.

Mr. PITKIN said, in reply to Mr. FISK, that this distribution of arms had been made previously and not subsequently to the declaration of war. Since that time the state of things had materially changed. And, with respect to Massachusetts and Connecticut, if they chose to defend themselves, ought they not, if on that account only, to have the arms to which they were entitled? Because they had done something which it seemed the gentleman did not like, they were not to have their arms. If, however, they were to defend themselves, at their own expense, the least that could be done was to give them the arms necessary for that purpose.

Mr. FISK said that the gentleman was mistaken in the fact of the distribution of the arms before the war. Some might have been distributed before it was actually declared, but with a view to that event. He had no where said, nor had anybody else, that Massachusetts and Connecticut were not ultimately to have their proportion of

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arms; but that the Executive had acted wisely in giving them first to those who wanted them more, when those States had declared themselves fully prepared.

Mr. BIBB said that for himself he could see no possible objection to the resolution. The object of it was not to inquire whether the President had or had not done his duty, but whether an act required amendment or not.

Mr. WRIGHT rose to ask the gentleman from Connecticut, whether, if he had been Secretary of War, and certain parts of the Union had been exposed, and the arms had been placed at his disposition, whether he would not first have supplied the exposed points? How could the Secretary of War have been true to his trust, and acted differently? Mr. W. was not friendly to the resolution, because he thought it went to implicate the Executive. Could it be that the State which the gentleman represented, or any other State, wished the arms so distributed as not to contribute to the general good? Mr. W. said he thought the arms had been distributed, as a patriot ought to have disposed of them, and so as to contribute to the best interests of the country.

Mr. WEBSTER said that the difficulty on this question appeared to him to arise from considering the act of 1808 as a war measure. It was a peace measure, passed in a time of peace, and not designed to place in the control of the Executive a great quantity of arms, to be disposed of at his discretion. The act did not relate particularly to a state of war. It was a part of the permanent establishment of the country. If, on inquiry, it should appear that no amendment to the law was necessary, the people concerned might be satisfied; he would not say that they would or ought to be satisfied with a refusal to inquire. The law expressly provides for a distribution of the arms among the several States and Territories, according to the numbers of their effective militia. Upon what ground, then, could arms be furnished to some States and refused to others? The act of 1808 did not indeed provide when or how often this distribution should take place, or there could be no hesitation in saying that the law had been positively violated. The inquiry in this case appeared reasonable and necessary, and ought to be granted, to ascertain and fix the construction of the law.

Mr. CALHOUN said he could not conceive that the Executive had acted wrongly in considering the object of the law to be the defence of the country. Even the Peace Establishment, upon which the gentleman last up has placed it, had for its ultimate object a state of war, and looks to such an event. The Executive therefore could not be considered blameable, if, regarding the ultimate object of the law, they had put arms into the hands of those most exposed to foreign assaults. Mr. C. was perfectly willing, however, that an inquiry should be made into the matter, and should vote for the resolution having that for its object.

The resolution as amended was then adopted with very few dissenting votes.

CONTESTED ELECTION.

The House again went into Committee of the Whole on the report of the Committee of Elections, on Mr. HUNGERFORD's contested election.

The Committee rose and reported progress, after much debate; and the House refused them leave to sit again.

The House took up the report of the committee.

A motion was made by Mr. MACON, that the report be recommitted to the Committee of Elections, with instructions to inquire into and report the state of the poll in the several counties of the said Congressional district, and procure and report the law of the last Legislature of Virginia concerning elections to Congress.—Motion rejected.

The question was then taken on the concurrence with the Committee of Elections in their first resolution, viz: "That the election was illegal, and ought to be set aside"—and decided thus: For the report 78, against it 82, as follows:

YEAS—Messrs. Alexander, Alston, Anderson, Archer, Avery, Bard, Barnett, Beall, Bowen, Bradley, Brown, Caldwell, Calhoun, Clark, Clopton, Comstock, Conard, Condict, Davis of Pennsylvania, Dawson, Denoyelles, Desha, Duvall, Earle, Eppes, Evans, Findley, Fisk of Vermont, Fisk of New York, Forney, Franklin, Gholson, Glasgow, Goodwyn, Gourdine, Griffin, Grundy, Hall, Hawes, Hubbard, Humphreys, Hyne-man, Ingersoll, Ingham, Irwin, Kent of Maryland, Kerr, Kershaw, Kilbourn, King of North Carolina, Lyle, McCoy, McKim, Montgomery, Moore, Nelson, Newton, Ormsby, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ringgold, Roane, Roberts, Sevier, Sharp, Skinner, Smith of Pennsylvania, Smith of Virginia, Strong, Tannehill, Taylor, Ward of New Jersey, Wilson of Pennsylvania, Wright, and Yancey.

NAYS—Messrs. Baylies, of Massachusetts, Benson, Bibb, Bigelow, Boyd, Bradbury, Breckenridge, Brigham, Burwell, Butler, Caperton, Champion, Chappell, Cheves, Cilley, Cooper, Cox, Crawford, Culpeper, Davenport, Davis of Massachusetts, Dewey, Ely, Farrow, Forsyth, Gaston, Geddes, Gloninger, Goldsborough, Grosvenor, Hale, Hopkins of N. York, Howell, Hufty, Jackson of Rhode Island, Kennedy, Kent of New York, King of Mass., Lewis, Lovett, Lowndes, Macon, Miller, Moffitt, Markell, Murfree, Oakley, Pearson, Pickering, Pitkin, Post, Potter, John Reed, William Reed, Ridgely, Robertson, Ruggles, Sage, Schureman, Seybert, Sheffield, Sherwood, Smith of N. Hampshire, Smith of New York, Stanford, Stockton, Stuart, Sturges, Taggart, Tallmadge, Telfair, Thompson, Vose, Ward of Massachusetts, Webster, Wheaton, White, Whitehill, Wilcox, Wilson of Massachusetts, Winter, and Wood.

The first resolution being negatived, the whole report is rejected, and Mr. HUNGERFORD confirmed in his seat.

WEDNESDAY, JUNE 16.

Mr. DAWSON, from the Committee for the District of Columbia, reported a bill supplementary to an act, entitled "An act to authorize the making a turnpike road from Mason's causeway to the town of Alexandria; which was read twice, and committed to a Committee of the Whole tomorrow.

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Defence of Maritime Frontier.

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Mr. ALSTON, from the Committee of Revision and Unfinished Business, reported the bill from the Senate "for the government of persons engaged in certain fisheries," without amendment; and the bill was read the third time, and passed.

On motion of Mr. INGERSOLL, a select committee was appointed to inquire into the expediency of authorizing the Secretary of the Treasury to subscribe a number of shares to the Chesapeake and Delaware Canal Company, with leave to report by bill or otherwise.

A motion was made by Mr. FISK, of Vermont, to recommit the report of the Committee of Elections on Mr. HUNGERFORD's contested election, to the Committee of Elections, with a view to a scrutiny of the polls, the House having yesterday determined, by rejecting the report, that the election was not void by the illegality of the manner in which it was held.

Some conversation ensued on this motion, which was at length determined in the affirmative—yeas 84, nays 73. So the report was re-committed.

The bill from the Senate for the relief of Alexander Phoenix (as amended by the addition of the case of William Nexsen, jr.) was read a third time, and passed.

Messrs. CONDUCT and ROBERTS opposed, and Messrs. BIBB and POST supported the bill. The bill was passed—ayes 80.

PETITION OF JOHN DILLON.

Mr. ARCHER, from the Committee of Claims, to whom was referred the petition of John Dillon, of Maryland, made the following report:

That it appears to your committee, from the evidence adduced to them, that the schooner Rachel, of which the petitioner was the owner, was seized in the port of New Orleans for a supposed violation of a law of the United States, entitled "An act to suspend the commercial intercourse between the United States and certain ports of the Island of St. Domingo." By the judgment of the district court for the district of New Orleans, the said schooner was, on the 26th of February, 1808, condemned, and together with her tackle, apparel, and furniture, ordered to be sold. From this decision of the district court, an appeal was made to the Supreme Court of the United States. Before, however, a decision was had in the court of the last resort, the decree of the court below was carried into effect; the schooner was sold, and the proceeds thereof distributed under the aforesaid act of Congress, the one moiety to the collector and other officers; and the other moiety was, by the Collector of the port of New Orleans, transferred, in his account, to the credit of the United States. The moiety transferred to the credit of the Government amounted to the sum of three thousand five hundred dollars; and the day on which the said sum was entered to the credit of the United States, was the 30th of June, 1808. It further appears to your committee, that the Supreme Court never finally acted upon the petitioner's appeal until the year 1810, when, by its decree, the judgment of the court below was reversed, and a restitution of the property awarded. But, in consequence of the sale of the said schooner, and the distribution of the proceeds thereof, in conformity with the decree of the district court before the decision

of the Supreme Court was had thereupon, the petitioner has been unable to receive any benefit whatever from the order of restitution awarded by the Supreme Court.

The committee are of opinion that the United States are responsible to the petitioner for the one moiety of the proceeds of the sale of said schooner, which was received by them, and that the amount thereof ought to be paid to the claimant; they, therefore, ask leave to report a bill for his relief.

Mr. ARCHER then presented a bill for the relief of John Dillon; which was read twice, and committed to a Committee of the Whole to-morrow.

DEFENCE OF MARITIME FRONTIER.

Mr. FISK, of New York, remarked, that an allusion had been made in a petition presented today to the state of defence in one of our cities. He now rose for the purpose of calling the attention of the House to the subject generally. On recurring to this subject, it could not be denied that much had been done for the defence of our seaports, and that many of them were in a respectable, if not a perfect state of defence. But more might, doubtless, be done. If one place appeared to him to be more exposed and less efficiently defended than another, it did not become him here to state it. It would be sufficient, for his present purpose, to state that three-fourths of our seacoast had been declared in a state of blockade; that our waters were infested, and coast lined with the armed boats and barges of the enemy, which were engaged in marauding and destroying the property of our citizens, with an impunity which was deeply to be regretted. He wished an investigation, for the purpose of inquiring whether any means could be devised to defend our coast from a warfare so distressing and vexatious. He needed not, he presumed, say anything more to induce the House to adopt the following resolutions:

Mr. F. then moved three resolutions, as follows:

1. *Resolved*, That the Committee on Naval Affairs be instructed to inquire into the expediency of procuring and equipping such number of barges and row-galleys as may be required to aid in the defence and protection of our seacoast, and that they have leave to report by bill or otherwise.

2. *Resolved*, That the same committee be instructed to inquire into the expediency of equipping, for the public service, the gunboats belonging to the United States, not now in actual service.

3. *Resolved*, That the Committee on Military Affairs be instructed to inquire if any, and what, further provisions are required by law, for the better defence of the towns and cities on the seacoast, and that they have leave to report by bill or otherwise.

Mr. NELSON said that he thought it proper to state, lest an imputation of indifference on this head should rest on the Naval Committee, that that committee had paid attention to these subjects, and had them now under consideration.

Mr. FISK disclaimed any intention to throw any censure on the Naval Committee; but the gentleman would properly appreciate the feelings of the people on the maritime frontier on this sub-

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Seizure of Private Property.

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ject, which fully justified that particular attention of the House to their wishes, which Mr. F. had proposed.

The resolutions were adopted without opposition.

SEIZURE OF PRIVATE PROPERTY.

Mr. McLEAN then called for the consideration of the resolution which he had proposed on the subject of making compensation to those individuals, whose property, whilst in the public service, had been seized at Detroit.

The resolution having been read, together with the amendment thereto proposed by Mr. GROSVENOR, when it was last under consideration, going to extend the inquiry to all property destroyed by the enemy—

Mr. McLEAN said he could not agree to the amendment proposed to his motion, because it was unlimited in its extent, embracing as well captures on sea as on land. To remunerate our citizens for all the depredations of the enemy, might consume all the resources of the nation. Although it was the duty of every nation to provide for the safety of the persons and property of its citizens, it had never been considered under an obligation to indemnify those persons whose property was sacrificed by the enemy, unless that property was employed in the public service. If another rule was to prevail, individuals would feel but little anxiety for the safety of their property, and would engage in the most hazardous enterprises, knowing that they could not in any event suffer a loss. Neither was the Government bound to repair injuries sustained by the invasion of the enemy. Although devastation should mark his progress, this was one of the calamities incident to a state of war, for which the Government could never indemnify individuals. Such, however, were not the injuries specially alluded to in the resolution. The property therein referred to had been taken into the public service, and principally consisted in wagons and teams essentially necessary for the transportation of baggage, which continued in public employ until they passed into the hands of the enemy. It did not require much discrimination to mark the distinction between property thus captured, and that which is under the control of its individual owner, whose misfortune in losing it might arise from his own neglect or temerity. Such losses a Government was not liable, on the principles of moral justice, or by compact, to remunerate. It was admitted on all hands that private property must be subservient to public good. Whenever it is necessary, the agent of the Government may lay his hand on private property, and apply it to the public service; but inseparable from this is the right of compensation to the individual for the loss he thereby sustains. Such is the species of claim embraced by the resolution as it stands. Should the amendment be adopted, the resolution would embrace principles so broad as, should they be adopted by any nation, would sooner or later end in national bankruptcy. Mr. McL. said he had no objection to the extension of the inquiry to cases similarly

circumstanced with that to which he proposed particularly to direct it; but to consent to the proposed amendment would be to abandon the claim he advocated—a claim founded on the principles of immutable justice.

Mr. GROSVENOR said that in such cases as this there were two ways of proceeding—by petition of individuals, or by general inquiry. This resolution went to inquire into a particular transaction, not upon the claim or motion of the petitioners, but upon that of a member of the House. If that course of proceeding be resorted to, the inquiry ought to be general and not particular. Laws ought not to be passed with a view to particular cases, where there existed many others of a like character. In this case no petitioner had come forward stating his grievances; but, on the motion of a gentleman who had heard of the case, an inquiry was to be entered into. In his apprehension, this was an improper mode of proceeding. Either it should be left to the petitioners, or a law should be passed embracing all the cases which could occur, and providing for their adjustment on general principles. One or the other of these courses would be proper. As to the argument of the gentleman on the propriety of admitting certain claims of a particular character, it had nothing to do with the resolution in its present form. The argument might well apply when the report should be received from the committee. A case occurring at Ogdensburgh came precisely under the same description as that of Detroit. Certain houses in that place had been let out to the Government for barracks; they had been burnt as public property by the enemy. And, if this committee should be constituted, many claims of a similar nature would present themselves. Why then select the case of Detroit alone?

Mr. McLEAN said if the gentleman from New York would adapt the language of his resolution to the explanation which he had given of his views, he should not object to it: that is, if he would so amend it as to embrace only property destroyed in the public service.

Mr. GROSVENOR declined varying his amendment. He would only remark on this head that there might be many cases of loss by invasion, in which the petitioners might have a claim on the public. At any rate, there could be no harm in a general inquiry, which would be open under his amendment to all cases.

Mr. McLEAN moved to amend the amendment so as to restrict it to cases of property captured in the service of the Government.

This amendment to Mr. G.'s amendment was then agreed to, and then Mr. G.'s motion also was agreed to.

The original motion as amended was then agreed to, in the following words:

Resolved, That the Committee of Claims be instructed to inquire whether any provision ought to be made for the indemnification of those persons whose property has been captured or destroyed by the enemy while in the service of the public during the war, and that they have leave to report by bill or otherwise."

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FRENCH DECREES.

The House proceeded to the consideration of several resolutions proposed by Mr. WEBSTER a day or two ago, the first of which was read in the following words:

"Resolved, That the President of the United States be requested to inform this House, unless the public interest should, in his opinion, forbid such communication, when, by whom, and in what manner the first intelligence was given to this Government of the decree of the Government of France, bearing date on the 28th of April, 1811, and purporting to be a definitive repeal of the decrees of Berlin and Milan."

Mr. CALHOUN said he did not rise to oppose the passage of this resolution on account of its object; but he objected to the novelty of the form of the resolution. The resolution went further than merely asking for information; it also asks, when and by whom the information in question was received. Such form and particularity was unprecedented in such cases. He rose to ask the precise object of the gentleman in giving this form to his motion. What use was intended to be made of the information called for?

Mr. WEBSTER said, with respect to the use to be made of the information to be obtained, it would depend on what that information should be. With respect to the form of the resolution, it had been offered in this form because it was on a subject on which he wished for particular information, of that nature which was designated by its terms.

Mr. RHEA said it appeared that the only object of the gentleman was, to know when the repeal had been notified. The existence of the repealing decree was not questioned. It was, therefore, immaterial when and how it was communicated; unless, by the inquiry something can be discovered in which the Government or the Executive has not done its duty. As no object could be answered by the agreement to this motion, he moved to postpone the further consideration thereof indefinitely.

On the question of agreeing to this motion, Mr. HANSON called for the yeas and nays.

Mr. CALHOUN said he hoped the gentleman from Tennessee would not press this motion. If we advert to the transactions which have taken place since the declaration of war, we shall find that on many occasions this conversation has been made a handle of, and that a certain degree of suspicion has been attempted to be attached to the Chief Executive officer on this head. A resolution had been adopted at the end of the last session, which did not include the whole object of the present resolution; and Mr. C. for his part had no indisposition to afford to gentlemen an opportunity of obtaining all the information they could wish, if asked for in a proper manner. He hoped, therefore, the gentleman would withdraw his motion.

Mr. RHEA said, although he was not much in the habit of withdrawing motions which he had made, he would, for the present, withdraw his motion, with the intention, however, to renew it,

if in the course of the discussion it should seem to him expedient.

Mr. CALHOUN said, he could not but think that the gentleman from New Hampshire had rather eluded than answered his inquiries. I asked, said Mr. C., the reason of the novelty of the form. The gentleman says his object is particular information. If information only be wanted, I am willing to join gentlemen in asking for every information they may wish. But I object to the novelty of the form; to the use of so particular terms. Mr. C. submitted to the good judgment of gentlemen the propriety of varying the language of the resolve.

Mr. GROSVENOR said, without entering into the merits of the resolve, he would state the impressions of his mind as to the form of it. The gentleman from South Carolina had admitted that suspicion had attached to this Government as to the decree in question. [Mr. CALHOUN said he did not admit the fact; but had said that this matter had been so handled as that it might have created suspicion.] A general resolution had been adopted at the close of the last session calling for information on this subject, when the President had transmitted to the House the repealing decree, without affording the information in respect to it which was sought by these resolves, the object of which was, to sweep away entirely the charge which had been made against the Government; to give the Executive a proper opportunity for transmitting to the House information on this subject, which would completely exculpate him. The particularity of the resolutions, objected to by the gentleman, was essential to their object, as describing what information was desired. If such information as was desired was in the Office of State, it required a particular call to elicit it, as the general resolution adopted at the end of the last session had not brought it forth.

Mr. WEBSTER said he had not been aware that there was any particular form of calls for information. He should rather have supposed that the form would be governed by a general regard to the purpose in view; that questions would be therein asked bearing on the points in relation to which information was wished for. He asked the gentleman whether there was not apparent on the public records the necessity of calling on the Executive, if at all, for information through whom this decree had been first received. The French Minister had declared that the decree had been transmitted through two channels. Was not the inquiry, then, material through which, if either, it had been received? Mr. W. said he would not go the whole length which the gentleman from South Carolina had gone, in saying that suspicion had attached to the Government on this head. He would say that for his part he entertained none. The particularity of the call arose from the nature of the information wished; and if there was novelty in the form, it was because a similar case had never arisen.

Mr. CALHOUN said he was glad the gentleman had at last come to the point. The gentleman from New Hampshire, adverting to the corres-

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pondence of Mr. Barlow, says that the French decree had been alleged to have been transmitted through two sources to our Government. The first of these resolves inquires through whom and in what manner this decree had been communicated. The second and third resolutions embrace the object avowed by the gentleman, viz: an inquiry whether the decree in question had been received through either of the two channels designated by the Duke of Bassano. Why, then, after being thus precise in two separate resolutions, was the President, in addition to these specific inquiries, called upon to inform the House through whom and in what manner the decree had been received by him? Was not this language (wholly unnecessary with the object which the gentleman avowed) calculated to bring up a third idea, not avowed by the mover, that the decree might have been received through some other channel than either of those through which the Duke of Bassano had declared to Mr. Barlow that he had forwarded it? If inquiry was meant only as to the two modes of communication indicated in the correspondence, the terms of the first resolve were unnecessary as well as indecorous; if otherwise, there were no facts on which to rest suspicion or ground inquiry.

Mr. CALHOUN concluded by moving to strike out of the resolution the words "by whom and in what manner."

Mr. McKEE rose for the purpose of proposing an amendment which, he said, would supersede the one proposed by the gentleman from South Carolina. His object was to strike out the whole of the resolutions, and in lieu thereof insert a resolution, which he read, calling upon the President generally for information on this head. He said he was persuaded there was no gentleman in the House desirous to detain from the public eye any information which he had any reason to believe calculated at all to enlighten the public mind, or mature the opinions of gentlemen of the House in relation to our concerns with foreign nations. But there certainly was something due to the Chief Magistrate of the nation. It was impossible for any man to read the resolutions without perceiving that they might be construed injuriously to the Executive. Why not ask for the information desired in respectful terms? Was the House likely to arrive at its object in this way sooner than by a decorous and respectful course? He saw no propriety in the particular terms of the resolution, especially when the information desired might be as easily obtained by pursuing a different course. He was as anxious as the gentleman who moved the resolutions to lay before the nation every particle of information in relation to the decree dated the 28th of April, 1811. So far as he was informed, the conduct of France in relation to that matter was, as he had frequently believed it to be, insincere, base, and abominable. He wished that every man in the nation might see and detest it.

Mr. SHEFFEY said the honorable member from Kentucky might as well vote against the inquiry altogether, as substitute the motion which he had

read. It was, no doubt, well known to that gentleman, that a resolution, in the very terms perhaps which he had read, had been adopted at the last session, the result of which we have seen. The same answer might be expected to the resolve read by the gentleman, if it was adopted in preference to those now under consideration.

Mr. McKEE said he had no knowledge of the adoption, at the last session, of a resolution similar to that which he had moved. If such an one could be shown on the Journals, he would withdraw his motion.

Mr. SHEFFEY then quoted the Journal of the 1st of March last, containing a resolution, moved by Mr. GOLDSBOROUGH, calling for an authenticated copy of the decree, purporting to be a revocation of the decrees of Berlin and Milan, and also for information as to the time and manner of its communication, &c.

I believe it will be found, continued Mr. S., that this motion, then adopted, substantially embraces the requisition contained in the motion of the gentleman from Kentucky. That resolution required a copy of the decree in question, together with information of the time and manner of its communication, and also any correspondence or facts related thereto. I ask the gentleman whether he recollects the result of this inquiry? Did we get any information as to the time and manner of promulgating that decree? We had communicated to us, without any explanation or declaration on the part of the Executive, several extracts of letters from Mr. Barlow to the Secretary of State, in one of which he expressly said, that the Duke of Bassano did state that the repealing decree had been communicated to our Government through two channels, at as early a date as May, 1811. What follows? Either the assertion of the Duke of Bassano is true or it is not true. Whether it be or be not, is a matter highly important to this nation, to the people, to their Representatives, to whom is committed the administration and superintendence of their affairs; not only so far as the Constitution has, committed a legislative duty to this House, but, also, so far as it is its duty to see that the powers confided to other departments of the Government are honestly and fairly executed. If the President in 1811 was possessed of this decree, as has been asserted by the French Minister, I hesitate not to pronounce, under the high responsibility of my situation, as a Member of the Grand Inquest of the Nation, that the conduct of the President deserves not only the scrutiny but the reprehension of the nation; for such information would show that the nation has been involved in war without the least necessity. It is manifest that if this decree was known to our Government in 1811, and had been known to the people, and used in the manner it ought to have been, the Orders in Council, the great cause of the war, would have been done away; and, if they had, would any man say that we should have been plunged into the disastrous and ruinous war in which we are now engaged? It is undeniable, if the Orders in Council had been repealed, that we

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should not have been engaged in the present war. I conceive that the resolutions ought to be specific, to remain as they are. If we want any information at all, it is that designated in the words moved to be expunged by the gentleman from South Carolina. It may turn out, and I hope it will, that the French assertion in this respect was, as French assertions generally are, false, and to have been only an attempt further to inveigle us. I hope that will turn out to be the case; in some degree I am confident such will prove to be the fact. Although I do not agree with the President of the United States in his present policy, charity and my own opinion of his personal character forbid me from believing that the President could have had this decree in his possession for more than two years, and that merely to preserve the consistency of his proclamation of November, 1810, he should have suppressed it. I will not believe it; I will, until it shall prove to be otherwise, believe the French assertion to be false.

Experience has shown, sir, that any resolution calling for the information in general terms will not answer the purpose. The very circumstance of a resolution in general terms, such as I have read, having been adopted on the 1st of March, 1813, and not extracting the information desired, makes it extremely necessary that the resolution now to be passed should be precise and definite as to the information required; that it should point distinctly to the object, and leave nothing to the discretion of the Executive, except that discretion which all admit ought to be granted him; that is, a discretion whether or not the information asked would injuriously affect the public interest. Sir, I expect from the resolution proposed by the gentleman from Kentucky as a substitute, nothing of that kind of information which we deem important. And is it not important? Has there not been a cloud hanging over the Executive since the last night of the last session of Congress? Have not circumstances given something like a color to the idea that the Chief Magistrate of a free people could do an act which would disgrace a tyrant who claims the throne by divine right or by any other right? For of such a character would be the withholding information, an act which would plunge the nation into war, rather than be convicted of having proclaimed a falsity. I have hitherto believed, whatever difference there may be as to the objects of the several parties in the Government, that there has been perfect purity on all sides, and hope not to be compelled to change that opinion. Is it not important to gentlemen on the other side of the House that they should assent to the resolutions as they now stand? If a resolution in general terms be substituted for them, what will the world say? They would say that gentlemen were afraid to see the light; that they refused the information sought for, because, if brought out, it would have damned their cause. I do not believe information will be had of such a character. But as the assertion of the Duke of Bassano has been made, if we pass a

resolution on the subject at all, it should unquestionably point to the particular information desired.

Mr. FISK rose but to say a word or two in reply to the gentleman from Virginia. I could wish, said Mr. F., when questions of a public nature are brought before the House, with the express view of giving information, that the statements on which they are founded might be correct. I deny entirely the conclusion just drawn, that if the Executive was in possession of this information, and had communicated it, it would have prevented the war. Is it not known to the nation that the British Minister, Mr. Foster, after quibbling for months, was at length brought by Mr. Monroe to a definitive answer, that if the French decrees were repealed, the Orders in Council would not be revoked? And, are we now to be told, if that decree of repeal had been produced, it would have prevented the war? I presume it will be found that the decree was not in possession of our Government; but, if it had been, its promulgation would not have prevented the war. Mr. F. said he had only risen to express this idea, and to state his surprise to hear every attempt made on every occasion to shield the British Government from blame, and to impute it to our own Government.

Mr. McKEE said that nothing was more foreign from his wishes than to prevent the disclosure of every species of testimony which was in the Department of State on this subject. He was confident in his own mind that the specifications in the resolution would not elicit more information than if its terms were general. It was due to candor to state, however, that he had been totally unapprized of the passage of the resolution cited from the journals of the last session, when he moved his amendment. He had not been in his place when it had passed, and it had escaped his observation. Although he retained his impression that the resolutions contained unnecessary insinuations, and were not sufficiently respectful in their terms, he should for the present withdraw his proposed amendment, reserving to himself the right to vote against the resolves altogether, if on further reflection he should retain his hostility to them.

Mr. CALHOUN said he had hoped that there would have been no division of opinion on this subject—that there would have been no objection to such a modification of this resolution as had been proposed by him. He would state the circumstance which he thought ought to govern gentlemen in paying some little deference to the feelings and wishes of those on this side of the House. What were the facts on which the resolutions were grounded? A few days before the end of the last session of Congress, on motion of a gentleman from Maryland, a resolution was adopted calling on the President for certain information relative to our relations with France. The President, on the next day but one, that is, on the last day of the session, made a communication, which, among other things, stated a conversation which had taken place between Mr. Barlow, our late

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Minister to France, and the Duke of Bassano, relative to the repeal of the French decrees. Mr. Barlow expressed his surprise when the decree of 28th April, 1811, was produced, that it had been so long concealed. The Duke of Bassano replied, that it had been communicated to our Minister in France, and the French Minister in this country, at the time it was issued. It is fair to acknowledge that that order must have been antedated, or concealed by the French Government, or communicated to the Executive, and by them concealed. Whatever form of inquiry gentlemen might think proper to adopt, by which to prove that the decree was antedated or concealed, Mr. C. was willing should be adopted. The House ought not, however, in the present stage of this business, to presume that the repealing decree had been communicated to the Executive and by him concealed. He would not attribute such motives to the gentleman from New Hampshire—he was too honorable to be actuated by them. No man who looks into his own heart and finds purity there, will be liable to misrepresent the motives of others. The resolution, as hastily read, would nevertheless convey the idea to which he had just alluded. He wished the gentleman from New Hampshire, then, would consent to expunge these words; and he asked it the more confidently, as the gentleman himself had shown that those words were mere surplage, because the object which he professed to have in view was embraced in two distinct resolutions which follow the first. If, when the President should make a reply to the resolutions thus amended, there should be any circumstance leading to a suspicion of concealment, it would be competent to any gentleman to move an additional explanatory resolution; and Mr. C. distinctly pledged himself for one, should any ambiguity appear in the reply, that he would join gentlemen in voting for further inquiry. But he had the firmest belief that nothing was withheld that was necessary to be known, and that all would be satisfactorily cleared up.

Before he sat down, he would advert to one thing. The gentleman from New Hampshire, in moving these resolves, said (according to the report of his speech in the National Intelligencer) to this effect: that the question at issue between the Governments of America and Great Britain, on which the declaration of war turned, was, whether the French decrees were or were not repealed. And the gentleman from Virginia had to-day spoken to the same effect. Mr. C. said he would not, on the present occasion, go to the trouble of dilating at large on that point; but he would observe that the gentleman had presumed to do for us in this case what would be considered very extraordinary to have been done in a suit at law. He, the defendant in the action, had drawn the declaration for the plaintiff, and pointed out the issue. This was as unfair in a political as it would be in a legal contest. Mr. C. said he had always distinctly contended for the right to consider the injuries done to us by each belligerent on their own ground. This had been his course, because a different one would have been

as unworthy a nation, as it would have been unworthy of an individual. What! said he, shall we make the right of obtaining redress from England dependent on the justice of France? He, for his part, would take a higher, a different ground. He saw what had led the gentleman into error—he had mistaken the means of redress for the injury to be redressed. This country had, indeed, in its great efforts to preserve peace and neutrality, endeavored to get one of the belligerents to repeal its offensive edicts, in order to induce the other to do the same. Our Government (said Mr. C.) did descend one step in passing the act of 1810, under which France did (or, as the gentlemen over the way would say, pretended to) repeal her decrees of Berlin and Milan. Britain did refuse to proceed *pari passu* with France in this repeal. I will now place this question at rest forever; this fact shall hereafter forever be without contradiction. England did say to this country, even if France did repeal her decrees in relation to us she would not repeal her Orders in Council. This she did say by the solemn declaration of the Prince Regent, dated 21st April 1812. No gentleman dare hereafter reiterate the statement that if France had *bona fide* repealed her decrees, as regards America, England would have followed her example. Most indubitably gentlemen who so highly appreciate British faith will not discredit the evidence I produce. By some unaccountable means they have heretofore contrived to throw a cloud over it, to keep it out of sight. A further evidence in proof of my assertion is, that when there was no longer a shade of doubt hanging over the repeal of the French decrees—that is to say, for thirty-five days after the official communication to the British Government of the French decree bearing date the 28th April, 1811—no repeal of the Orders in Council took place. What process was going on in Britain in that interval? During these days a most laborious inquiry was in progress in the House of Commons, into the effects, beneficial or otherwise, produced on the commercial interest of Britain by her Orders in Council of 1807 and 1809; during all which time the British Ministry not only approbated and supported them, but took higher ground in relation to them than they had ever done before. They entirely gave up the pretended retaliatory character of the Orders in Council; they were bound to give it up. Men of common sense could no longer have defended them on that ground. The question was, in terms, whether or not our commerce, that is neutral commerce, should be made subservient to British monopoly. And how, finally, were the Orders in Council repealed? After it had been made clear as the light of the sun in heaven, that they were injurious to British commerce. Will the gentleman from Virginia now say that England would have repealed her Orders in Council, as to us, if she had been convinced that France had in the same manner revoked or modified her decrees? The gentleman dare not say it. No, sir, he dare not, because I shall prove him guilty of falsity if he does. His known integrity and

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candor are too great to permit him to say it. He dare not say, then, that if the French decree of repeal had been known, the British orders would have been repealed, and the war thus prevented.

[Mr. STOCKTON here spoke to order. He wished to know whether personal threats were admissible on the floor—whether any gentleman could be permitted to say that another dare not say any particular thing.]

The SPEAKER said he did not understand the gentleman as having used a personal threat.]

Mr. CALHOUN continued. He wished it to be distinctly understood, that he had no personal meaning in what he said. He merely had said that the gentleman dare not, as a man of veracity, assert a fact otherwise than that fact is. He was sorry the gentleman from New Jersey, much more than the gentleman from Virginia himself, should misunderstand him. I will be more particular, said Mr. C. I assert that two and two make four; and I say no gentleman dare to contradict it. I say so on conviction of the certainty of the fact. Sir, although warm in my country's cause, nothing shall ever induce me unnecessarily to wound the feelings of any gentleman in this House, more especially of the gentleman from Virginia, with whom I have never been so unfortunate as to come in collision. I may be warm, sir; I have a right to be so. I was one of the advocates of the present war. I considered the interests and rights of the nation compromised in the question, and I was bound to vote for it. I am therefore mortified to see it placed on ground on which it ought not to stand. I am mortified to hear the misstatements which prevail on this subject. The cause of my country is that in whose behalf I am now warm, and ever hope to be so. It is a cause on the truth and justice of which I would stake my all—though on its ultimate success I cannot, for that is yet in the womb of time.

I have condescended, sir, to view this question for a moment on the ground of the relative conduct of France and Great Britain. Not that I believe the Government ought to descend, in the pursuit of a magnanimous policy, to a scholastic view, which nation has done us the first or the greatest injury. Such considerations would never enter into the view of a statesman. The question is, how we can best redress the wrongs of the country. I have ever regretted that the injuries of the belligerents should for a moment have been viewed in their retaliatory character, notwithstanding the excellence of the motive—a love of peace, and a desire to maintain it. I would have taken a higher ground; and the Government, finding all their pacific efforts were in vain were compelled at length to appeal to the last resort. An opposite view of this question appears to me ridiculous, if I dare mingle ridicule with a question of such seriousness. Is it not absurd to contend that we ought to suffer ourselves to be beaten to death, whilst engaged in abstract philosophic inquiries who gave us the first blow? In the whole of this contest of restrictions, I shall ever deem the conduct of France to have been improper. I stand here only as the assertor of American

rights, the vindicator of the American cause. I will not presume that the President had received the decree in question and concealed it—and the only modification I ask of these resolutions, is to divest them of that imputation, which they appear to convey. Thus modified, I shall cheerfully vote for them, to afford to gentlemen in opposition the most liberal opportunity of obtaining all the information they can wish.

Mr. HANSON said the part of the resolution which the gentleman from South Carolina regarded as so exceptionable, conveying, as he supposed, an insinuation against the President highly disrespectful and unwarrantable, was the very part he most wished to retain. Those words expunged, the pith, the essence of the resolution was extracted, and nothing would remain to be acted on. It would be equivalent to a rejection of all the resolutions, because the first resolution was the pivot upon which the rest turned—take that away, the key-stone of the arch was removed and the whole fabric must necessarily fall.

Mr. H. said he had not the strength, if he had the inclination, to wade through the volumes of documentary evidence which gentlemen seemed inclined to drag into the discussion to defend their consistency and justify the measures preceding and connected with this war—nor was this a proper stage of the discussion to go into a general view of our foreign relations, and particularly the negotiation with the French Government. To begin with the late Mr. Secretary Smith and dissect all that was written by that gentleman, then to pass to Mr. Monroe's correspondence with Mr. Foster; to proceed next to an examination of all that came from the Dukes of Cadore and Bassano, Mr. Russell, Mr. Barlow, Mr. Pinkney, the Marquis of Wellesley, and lastly, from the youth to whom were committed our concerns as *Chargé des Affaires* in England, would be to lose one's self in a labyrinth of diplomacy, from which it would require the enterprise and wit of a Theseus, aided by the clue of an Ariadne, to be extricated.

Mr. H. could not but express his surprise that any opposition should be made, by the friends of the Administration, to the resolutions under consideration; that it was indeed to have been expected that an early opportunity would be sought by the gentlemen themselves to remove from the public mind injurious and well founded suspicions against the Executive, spread everywhere and daily acquiring strength; that it was to have been expected that such an opportunity would have been earnestly sought and eagerly embraced, to vindicate the honor of Administration, by refuting one of the most insulting and outrageous imputations of falsehood, fraud, and imposture, ever submitted to by one independent Power from another. That it was to have been expected the guardians of the national honor would have displayed a quick and lively sensibility to whatever affected the character of the country; and that their own share of responsibility, a just sense of what was due to themselves, would have suggested to gentlemen on the other side the neces-

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sity of some exculpatory course, some voluntary proceeding, to wipe away the stain cast upon their characters by the presumptuous tool of a foreign despot. Should the resolutions be rejected, the public is bound to believe, the people inevitably will believe, either that the important document which we ask to be laid before the nation was suppressed, for the most corrupt purposes, or that, rather than risk the displeasure of France, by exculpating the Executive and itself, this House prefers to sanction, nay, recommend, a negative vote, a continued concealment of evidence, a suppression of a declaration exposing the "courtly insincerity," the duplicity, and falsehood, of France.

Mr. H. said, that he wished to dismiss from the discussion all the rubbish and trumpery which might be raked together in the Department of State, and brought to bear upon this question; he wished to discard all extraneous matter with which it might be attempted to encumber the question, in order to direct the attention of the people from the true subject of inquiry. Let us, said he, simplify the question, and present it in a form calculated to meet the apprehension of every man, not having an unaccountable obliquity of vision, or tortured by a distressing density of intellect. And how stands the question? Simply and plainly thus: shall the Chief Magistrate of this nation rest under the foul imputation of having done a deed at the bare mention of which honor blushes—the cheek of charity must mantle—a deed which, in a better age, would have brought a monarch to the block? Or will the National Legislature afford that Chief Magistrate an opportunity (which opportunity, to be sure, might have been taken) to acquit himself by his own mere denial of the charges, and thus inculpate his imperial accuser, who has officially promulgated, I trust, an unqualified untruth, vitally affecting the honor of Government? This plain proposition presented to the minds of gentlemen, could they doubt or hesitate in their decision? Forced, driven to the alternative of flying in the face of imperial ire, and the unavoidable degradation of submitting to an allegation of treachery to this people by their rulers, it was but reasonable to expect a prompt decision in favor of the call for information. As much as gentlemen might excel in the art of "making the worse appear the better reason," (and we had abundant proof that skillful sophists were on the floor,) it was not in the power of human ingenuity, sophistry itself could not vary the true, simple statement of the case, The resolutions rejected, or so altered as to defeat the fair purpose of their honorable mover, the call for particular information refused, and the inference was irresistible; the mind of man could not resist it—a verdict of guilty would be pronounced against Administration by the grand inquest of the nation. On the other hand, let the President confront his accuser, and officially deny the official declaration of the Duke of Bassano, and the national character would be in so much retrieved, the honor of Administration in so far vindicated. For himself, Mr. H. said, he could

not help thinking, as an American he could not help hoping, the French Minister would be convicted of a wanton, groundless, official falsehood. Guilt rested somewhere, and he himself hoped it could be fastened on France.

Mr. H. said, that Faber, in his "Sketches of the internal state of France," (a book which ought to be in the hands of every citizen of this and any other country,) said "that in France was exhibited the most extraordinary phenomenon ever known, a moral prodigy unexampled in the history of mankind," which was, "the regular systematic elaborate organization of falsehood, as the basis of the Government and the soul of all its public acts."

Now, sir, said he, when the question is put whether this Government will exhibit to the world the evidence to sustain this declaration, at least as far as Administration is concerned, and so demonstrate to the world the fraud and rank corruption of the military despotism so well described by the author mentioned, or tacitly admit the imputation against the President of having betrayed the people and truckled to a tyrant, there should be no division upon the question; a zealous enthusiastic rivalry should be displayed by the two parties in the House in rallying round the honor of their own Government. It was but reasonable to expect that few, very few, would be found hardy enough to vote in the negative.

As a party man, I am free to confess said Mr. H., it will be the cause of no great agony of grief with me, to see the resolutions rejected. But love of country, the great and sole foundation of all public virtue, cheerfully yields the triumph which such a vote would assure to the minority. You, sir, are not now to be informed that thousands and hundreds of thousands of the free and enlightened people of this Republic, judging from the mysterious acts of Administration, the constant and (in my judgment) abominable practice of suppressing information, and a curious coincidence in our measures and those of a foreign Power, are firmly persuaded, if not rivetted in the opinion, that the destinies of this nation are directed by a distant hand. They know that France, ever since her regicidal era, when the mild and amiable Louis was butchered, has arrogated and haughtily exercised the right of superseding, by a code of her own, all the sacred and recognised principles of the laws of nations; this France, that fawns over her prey, and courts whom she designs to destroy; whose annals of perfidy, usurpation, and blood, have blotted the history of man, and at last provoked the wrath of the Almighty, whose arm has been made bare to smite the monster identified with her crimes. This people think that France has plundered us of our property without one manly effort to recover or protect it; cramped us in our industry, without our daring to complain; at first assigned limits to our commerce, and finally forced us to unite in measures for its destruction—robbed us of our honor—chained us to the car of the conqueror—coerced us to shout hosannahs to

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his fame, and fabricate apologies for his misfortunes—twisted a knot about our necks, which we are told the tyrant's sword alone can cut. Will you reject these resolutions, and thus confirm all that will be, can be, and ought to be thought and said touching French influence?

There exists, said Mr. H., another and a very important reason why the majority should proceed cautiously, evincing a delicacy of honor, a nice sensibility, on a question which is to decide upon their pretensions to whatever an honest party properly appreciates. In addition to the intimation by the imperial prime minister that the privations and miseries with which the country has been afflicted for the last year have been brought upon us by the concealment of a document which would have prevented the war, if communicated to Congress; that our smoking and bleeding frontier has been visited with the most awful calamities, through the treachery of our rulers; in addition to these considerations, upon a late and memorable occasion, the "invincible and super-eminent Napoleon" declared to his Conservative Senate of slaves, in pretty direct terms, that we were engaged in a common cause with him. These are his words:

"America has recurred to arms to cause the sovereignty of her flag to be respected. The wishes of the world accompany her in this glorious contest. If it terminates in obliging the enemy of the Continent to recognise the principle that the flag shall protect the merchandise and crew, and that neutrals ought not to submit to paper blockades, (all is conformable to the Treaty of Utrecht,) America will meet the applause of the world."

Such, Mr. Speaker, is the language of the late assumed Autocrat of all the States of the Continent. The war is not to cease until England recognises a new interpolation in the maritime code of nations; in other words, until the Napoleon code is adopted, which shall give to the neutral flag, a piece of striped bunting, backed by quaker cannon, the magical effect of preserving inviolate all that sails under it, of protecting whatever is covered by it. Yes, sir, this new point of international law the "invincible" and "generous conqueror," seated on his imperial throne, covered by a canopy I dare say not less splendid than that above your head, Mr. Speaker, surrounded by his scullion princes and mock grand dignitaries of the Empire, has promulgated for the government of nations—for our guidance—for the government of

— The petty men

Who walk under his huge legs, and peep about
To find themselves dishonorable graves.

Mr. H. said, it appears, too, from the same laconic notice our loving friend has designed to take of this most enlightened nation of the world, that with the same solemnity, and on the same occasion, he has declared to the automata around him, "for this new principle the Americans fight," and for so fighting have gained the world's applause, a tyrant's praise, the friendship of a "cut-purse of the Empire and the rule." Yes, the Great Napoleon has written, has spoken, has pro-

mulged it to the nations of the world, that we fight Great Britain for such a principle; all is conformable to the Treaty of Utrecht!—while a curious similarity of sentiment is to be found between the late Message of the President and the speech of the Emperor, upon the point, that "the flag shall cover the merchandise and crew"—that free ships shall make free goods.

Is it true or is it false, said Mr. H., that we are fighting to support such pretensions? Such facts we are the panel to try, and, according to my ideas, the decision will be governed by the vote upon these resolutions. Again, is it true? We have the word of Napoleon for it, and "but yesterday his word would have stood against the world." Now, crippled and prostrate, surely there could be no great danger in bringing our Executive into collision with him, whose honor must be protected against an imputed act of malfeasance, presupposing the blackest turpitude. If it be false, boldly fling back the contumely, and hurl indignant defiance in the teeth of the unprincipled, perfidious tyrant. Hesitate, fear not to contradict and expose the man who has dared to assail the integrity and sacred honor of our Government. Mr. H. said it was not for those who might concur with him in opinion, to contradict and quarrel with Bonaparte about the charge of a criminal and impeachable nature against the President, but it was a duty which had especially devolved upon those whose honor and love of country are particularly implicated. He therefore conjured the majority, as they valued their own fame and their country's glory, to surcease, by one consentaneous impulse, all further opposition to the resolutions on the table. A deaf ear may be turned to this entreaty, but the day will not be long coming when they will bitterly regret it.

Mr. H. said he would not be drawn into a discussion of the general merits of the resolutions, as growing out of our foreign relations, upon a motion to strike out from the first resolution. He would postpone such an argument till the proper time arrived; and concluded with expressing a hope that the words pronounced to be offensive would be retained.

When Mr. H. had taken his seat the House adjourned without coming to any decision.

THURSDAY, June 17.

A message from Senate informed the House that the Senate have passed a bill "further extending the time for issuing and locating military land warrants," in which they desire the concurrence of this House.

PETITION OF B. F. POMEROY.

Mr. HOPKINS presented the petition of B. F. Pomeroy, a resident and innkeeper at Buffalo on the Northern frontier, praying compensation for damages sustained in his property during a riot among the soldiery of the United States stationed in that neighborhood, which petition Mr. H. moved to refer to a select committee.

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Mr. FISK of New York opposed the reference of this memorial to a select or any other committee, when it was evident the report must be adverse to the prayer of the petition; and moved that it lie on the table. Every citizen has a right to petition, and it is the duty of the House to treat petitioners with respect. But there was also another duty, which the House owed to the character and respectability of its proceedings, which forbade the reference of a petition of this nature. The petition sought indemnity for damages sustained from the lawless violence of a mob of soldiers. Mr. F. said he could not see the distinction between a mob of soldiers and a mob of citizens; and no one, he believed, would pretend to say that the Government was responsible for damages committed by a common mob. No such case, he would venture to say, had ever before presented itself to the Legislature of this nation or any other. Every day the House turned from its door the war-worn soldiers of the Revolution, because their claims were barred by a statute of limitation. And would they listen to a claim of this sort, which had no foundation in reason or justice?

Mr. GOLDSBOROUGH, in a number of remarks very indistinctly heard, expressed his hope that the petition would be committed, as moved, to a select committee. This was not a new case, as the gentleman supposed. Mr. G. quoted the petition presented only at this session, and referred, from sundry citizens of Indiana Territory, praying compensation for damages committed by the mounted troops from Kentucky on their property.

Mr. FISK said this was a different case; and asked the gentleman whether the damages stated in this petition had been committed by the soldiery in the discharge of their duty.

Mr. GOLDSBOROUGH replied in the negative. For how could soldiery commit a riot in the discharge of their duty? Mr. G. made some observations going to show that a riot in the execution of military duty was a solecism in terms.

Mr. HOPKINS made a number of remarks in support of his motion for a reference of this petition. What was this case, he asked? The United States had embodied a military force—say for a proper, laudable object; but its physical force was converted to a very different object, and by the aid of the numbers and arms of those thus embodied did injury to a citizen, who could obtain no redress from the individuals who had done the injury. The House could on this subject arrive at but one of two conclusions; either that the military force of the nation is to be considered as beyond the control of its officers, or that the nation is responsible for the conduct of the soldiery. This, however, was not now the question; but whether the House, by refusing to refer the petition, would act upon the principle that the unarmed and defenceless citizens of the nation should have no defence against the unprovoked and lawless violence of armed soldiery. This was a case which well merited considera-

tion, at least, and that was sufficient to insure a reference of the petition.

Mr. FISK again spoke.—That the citizen had his rights, he never would deny; but he also had his obligations. In the case in question the injury done the petitioner was not so unprovoked as gentlemen seem to desire it should appear. This person, he had heard, had asserted, in view of the enemy, in the midst of the soldiers, that the war in which we were engaged was unjust and ruinous, and he hoped that every soldier that entered Canada might be cut off! The gentleman had drawn a distinction between a mob of soldiers and other citizens, because the Government had put arms in the hands of the former. The same argument in our country would apply to every citizen, it being a part of our code of laws, that every citizen should have arms placed in his hands.

Mr. BIGLOW said he apprehended this was not a proper time to enter into the merits of the petition. He rose to show a precedent of reference of such a petition, viz: the petition of sundry inhabitants of Indiana Territory at the last session, on which a report had then been made that their petition was reasonable and ought to be granted. In all cases of lawless depredation committed by soldiers, the individuals injured ought to be compensated.

Mr. RHEA said, that unquestionably all troops of the United States ought to be kept in subordination. He knew of a case which occurred in Tennessee, where certain troops had committed an outrage. The injured party, however, did not apply to the Government for redress, but to a lawyer to bring suit against the commanding officer. He did so, and obtained judgment against him; and in Mr. R's. opinion this course ought to be pursued in all cases. A different course would open a wide field to a flood of unnecessary petitions.

Mr. GROSVENOR said he knew of no reason which should arrest this petition in the ordinary course proposed to be given to it, particularly when it was proved that one of a similar nature had been referred. Upon what ground it was objected to refer it, he could not conceive. Was it, as his colleague appeared to suggest, because a man had taken upon himself to use intemperate expressions in relation to the Government? Will gentlemen suffer the idea to go forth, that, for the expression of his opinion, a man may be mobbed and his house destroyed with impunity by the military, or any other mob? Such a doctrine he knew had been held by some abandoned persons out of the House, but never before heard, nor ever expected to be heard, on this floor. Intemperate expressions of individuals ought to have no effect, if these petitions were couched in decorous terms.

Mr. FISK said, the gentleman was entirely mistaken if he understood him to mention the intemperance of the petitioner's language, which provoked the riot, as a reason against the reference of his petition; his language had been cited in

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reply to the suggestion, that the attack on his property was entirely unprovoked.

The motion to lay the petition on the table was negatived.

Mr. FISK then said, it had uniformly been his opinion, that all petitions asking for money should go to the Committee of Claims. He therefore moved, that this petition, instead of going to a select committee, should be referred to that Committee.

Mr. F.'s motion was carried, 81 to 68.

Mr. BEALL presented the memorial of S. Vansycoe and Gilson and Jones, praying the payment of a bill drawn by one of the Assistant Quartermasters General, payment of which had been declined at the Department of War.—Referred to the Committee of Claims.

Some conversation arising on the proper mode of disposing of this petition, the SPEAKER observed, more as he said by way of suggestion than to lay down a rule, that debate on the merits of petitions, arising on the question of their reference, was irregular and ought to be avoided, as unnecessarily consuming the time of the House; as had been illustrated in a case which had this day occurred.

FRENCH DECREES.

The House resumed the consideration of the resolutions moved by Mr. WEBSTER, calling for particular information on the subject of the documents purporting to be a repeal of the decrees of Berlin and Milan.

Mr. FARROW said, he could not agree with the honorable member from Maryland, (Mr. WRIGHT,) in wishing the resolutions before the House to pass. The twelfth Congress passed a resolution, requesting the Executive to give the information that is again called for. He did return an answer, which was satisfactorily received by the last Congress. Information, in reply to those inquiries, is not the object of the honorable member from New Hampshire. If the information now sought for was the true object, it was as much wanting the first day or week of the session as at this time, and it would have been as proper to have moved the resolutions before you then, as at this time. Congress met the first and second weeks of the session, and adjourned almost as soon as they met—no business before the House—waiting for the Committee of Ways and Means to prepare their report. The said committee has now furnished the House with their report; and the moment after the report was made those resolutions were moved. Why should that have been the favorable moment for their appearance? Those resolutions are intended as a plea in bar to the demand of this nation for money.

[Mr. SPEAKER stated that it was not proper to state the motives of the member from New Hampshire.]

Mr. F. proceeded, and remarked, that the honorable member from Virginia (Mr. SHEFFY) observed, that this Government had been wickedly involved in war with England. Mr. F. contend-

ed, that as war had been declared by the Constitutional authority, that it did not now become the duty of the thirteenth Congress to inquire into the policy of the war; that, as to his part, he was not sent here for that purpose. But, as he understood, this session was called to provide ways and means for carrying on the war. Suppose, upon an inquiry, that it should be found that it was not the policy of this country to go to war. Congress cannot make peace; one nation can make war, but it requires two to make peace. Therefore, to go into the inquiry would be a nugatory act, and an unnecessary waste of time. He, therefore, moved, that the consideration of the resolutions before the House be indefinitely postponed.

Mr. OAKLEY.—Mr. Speaker, my slight acquaintance with the rules of the House, does not enable me to determine whether the motion just made by the honorable gentleman from South Carolina, (Mr. FARROW,) to postpone indefinitely the consideration of the resolutions now before us, so far supersedes the motion yesterday made by his honorable colleague, (Mr. CALHOUN,) to amend the first of these resolutions, as to render it improper for me, in this stage of the debate, to reply to the observations of the latter gentleman in support of his amendment. If I am in order in pursuing this course, I shall venture to call the attention of the House, in the first instance, to the nature of the amendment, and its effect on the resolutions under discussion.

The gentleman from South Carolina, in proposing this amendment, professed, and no doubt with great sincerity, a willingness to afford all the information which is desired on the subjects embraced by these resolutions; but he seemed to think that the terms of the resolution, which he wishes to amend, are too particular to comport with the respect due from this House to the Chief Magistrate—as they appear to afford the ground of an inference, that to a call for information in a more general shape, he might be disposed to make an unsatisfactory or evasive answer. The gentleman seemed also to think, that the objects intended to be obtained by the words which he proposes to strike out, are substantially included in the second and third resolutions; and he further objects, that although all the information in the possession of the Government, as to the time at which the first intelligence of the decree of the French Government, of the 28th April, 1811, was received, may properly be demanded by this House—still it would be unprecedented and improper to inquire as to the manner in which such intelligence was obtained, or the agents through whom it was communicated; or, at all events, that these things ought to be the subject of a distinct and future inquiry, if the answer of the Executive to the resolution in its general form should render such an inquiry important.

I am unable, sir, to discern in what point of view this resolution can be considered as disrespectful to the Executive. If particular information is required, particular inquiries must necessarily be made. It will be recollected by the

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House, that the resolution adopted near the close of the last session, on the motion of the honorable gentleman from Maryland behind me, (Mr. GOLDSBOROUGH,) and in reply to which the House received the information now in their possession, relative to the French decree in question, was in a more general form than that now under consideration. It is to be presumed that the Executive, in answer to that resolution, gave to the House all the facts which he considered as coming properly within its scope and meaning; and yet it must be perceived that his answer is wholly unsatisfactory, and that the necessity for the present resolution has grown out of the defective information then given to the House. It is proper, therefore, that this call should be precise in its terms, and that the attention of the Executive should be particularly directed to the points on which information is deemed important.

Nor, sir, can I agree with the honorable gentleman from South Carolina, that the second and third resolutions are calculated to produce the effect intended by the words which he proposes to strike out of the first. The object of the second resolution is to ascertain whether Mr. Russell has ever admitted or denied to his Government the truth of the declaration of the Duke of Bassano to Mr. Barlow. It will be acknowledged, that to a complete vindication of the character of the Administration, an explicit denial by Mr. Russell of the truth of that declaration is absolutely essential. And, sir, as to the third resolution, it is equally important that it should be explicitly known, whether the Minister of France has ever made any communication to this Government on the subject of that decree. But it will be perceived, that the terms of the first resolution may be fully complied with by the Executive, without explicitly saying to this House whether such a denial on the one hand, or such a communication on the other, has ever been made. Facts, so important as these, ought not to rest on matter of inference from any general answer of the Executive, but they ought to be established by a direct and positive declaration.

Neither, sir, can I agree with the honorable gentleman, that it is unprecedented or improper for this House to inquire as to the manner in which the information required by this resolution was obtained by the Government, or the agency through which such information was derived. That such an inquiry is not unprecedented, will appear sufficiently by the resolution yesterday read from the Journals by my venerable colleague (Mr. BENSON.) But, sir, were it unprecedented, it is time that a precedent should be made. The calls of this House for information on subjects of deep importance, ought to be so specific in their terms, and so direct in their object, as to be incapable of being either misunderstood or evaded. Nor, sir, can such inquiry be improper. The agents of this Government, from the highest to the lowest, are constitutionally subject to the animadversions of this House; and, if the nature of the case require it, to the legal animadversion of this House in the due exercise of its

power of impeachment. If, then, in relation to the subject-matter of these resolutions, any agent of the Government has violated his duty, it is important that this House should know it; and if the agent of any foreign Power has been guilty of withholding from this Government important information, when directed to communicate it, it is equally necessary that the fact should be disclosed; for, although this House may not possess the power of inflicting the punishment due to such an offence, yet it may adopt, and ought to adopt, such measures as would compel the Executive to demand the recall of that agent by his own Government. I would then prosecute this inquiry with rigor and perseverance, although the result might implicate the predecessor of Mr. Barlow at the Court of France, or reach even the representative of the truth and honor of his Imperial and Royal Majesty near the United States.

But, sir, if the reasons urged by the gentleman from South Carolina are well founded, they apply with greater force to show the impropriety of the second and third resolutions, than of the first; and I foresee, that if this resolution is amended in the manner now proposed, we shall soon hear a motion to reject those which follow. It is, then, because I consider this amendment calculated to frustrate the object of these resolutions, and to defeat the inquiry contemplated by them; and because such an intention is now distinctly avowed by the motion to postpone them indefinitely, that I must beg the indulgence of the House while I state, as concisely as I am able, the view which I have taken of the whole subject now before us.

In doing this, sir, I shall not follow the example of the gentleman from South Carolina, by indulging in an unnecessary warmth, which may serve to irritate, but never to convince. Nor, sir, shall I attempt any reply to most of the observations which have fallen from the honorable gentleman from Maryland, (Mr. WRIGHT.) That gentleman seemed to have in view a general defence of the conduct of the Administration in its management of our foreign relations—a subject not connected with the resolutions now before the House, and which would necessarily lead us into a wide field of debate, where little of novelty is to be found. Neither shall I advert to the remarks of that gentleman, which seemed to me designed to reflect on the character of this side of the House—because I have understood that the honorable gentleman is privileged to say many things, which it is not considered incumbent on any one here to answer. But I shall proceed with much coolness, and as plainly as the nature of the case may demand, to state the reasons which have produced a complete conviction on my mind, that the adoption of these resolutions, and a satisfactory answer to them by the Executive, are absolutely necessary to the vindication of the national honor.

To understand correctly the nature and importance of the subject now under discussion, it is requisite to bring into view the state of our relations with France and Great Britain, at the date of the decree of the 28th of April, 1811. I am not about to enter at large into the subject of the

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French decrees, and the British Orders in Council. It is not important here to do so; and, if it were, a due respect for the talents of eminent gentlemen who have gone before me, would deter me from travelling over ground so thoroughly explored. It would be more than vain in me to hope to present any new views of a subject so completely exhausted. It is sufficient for my purpose to state such facts respecting these decrees and orders, and the policy pursued by our Government in relation to them, as I have understood to be generally admitted.

The blockade of May, 1806, established by the British Government, although in the first instance considered by the present Secretary of State as a conciliatory measure, was afterwards alleged by France, and then by our own Administration, to be hostile to our neutral rights, and a direct violation of the laws of nations. France, claiming a right to retaliate, promulgated in October following the Berlin decree. To this succeeded, on the same alleged ground of retaliation, the Orders in Council, and to these the decree of Milan. Each of the belligerent Powers thus rested the justification of its hostile edicts on the previous alleged injustice and wrongs of the other. Our Administration, though denying in terms the existence of this right of retaliation, yet in its acts and its correspondence seemed to recognise it. It labored hard to convince each belligerent, that each was the original aggressor, and, by a long course of humiliating solicitation and entreaty, it endeavored to induce each to take the lead in rescinding the edicts of which we complained. At length, by the act of Congress of the 1st of May, 1810, it was provided that whenever either France or England should so revoke her decrees or orders, that they should cease to violate the neutral rights of the United States, the President should by proclamation declare the fact, and that from thenceforth the act of non-intercourse should cease to operate against the Power thus revoking; and that if, within three months after such proclamation, the other Power did not also revoke, the provisions of that act should be enforced against it. In this state of things a declaration was made by the French Minister of Foreign Affairs to the American Minister at Paris, on the 5th of August, 1810, that the decrees of Berlin and Milan were revoked, and would cease to have effect on the 1st of November following. The President of the United States considering this declaration as amounting to a repeal of these decrees, within the meaning of the act of the 1st of May, and implicitly confiding that that declaration would be fulfilled in good faith by the French Government, on the 2d day of November, 1810, published his proclamation announcing the fact that these decrees were repealed. A demand was made on the British Government to follow the example thus set by France. On the part of that Government it was contended that the declaration of the French Minister was not such a formal act as ought to be required by the United States, and that the French decrees ought to be revoked in a

manner as authentic as that in which they were promulgated. That even if there were no objections to that declaration on that ground, if it was to be considered a repeal at all, it was clearly a repeal depending on a condition precedent to be performed by the United States, and that such a conditional revocation did not come within the meaning of the act of Congress. She therefore refused to revoke the Orders in Council, and the provisions of the non-intercourse act were revived against her by the act of the 2d of March, 1811.

On the 21st of April, 1812, by a declaration of the British Government, it was provided, that "if at any time thereafter, the Berlin and Milan decrees should, by some authentic act of the French Government, publicly promulgated, be absolutely and unconditionally repealed, then and from thenceforth the Orders in Council should be wholly and absolutely revoked." Mr. Barlow, then the Minister of the United States at Paris, having received this declaration, addressed a note to the Duke of Bassano, dated the first of May, 1812, in which is the following passage: "It is much to be desired that the French Government would now make and publish an authentic act, declaring the Berlin and Milan decrees, as relative to the United States, to have ceased in November, 1810; declaring that they have not been applied in any instance since that time, and that they shall not be so applied in future." By the letter of the 12th of May, 1812, from Mr. Barlow to the Secretary of State, we are informed, that in a conversation with the Duke of Bassano on the subject of that note, there appeared a "singular reluctance" on the part of the French Minister to answer it. In that conversation, we, for the first time, hear of the decrees of the French Government of the 28th of April, 1811. "When, in the conversation above alluded to," says Mr. Barlow, "the Duke first produced to me the decree of the 28th of April, 1811, I made no comment on the strange manner in which it had been so long concealed from me, and probably from you. I only asked him if that decree had been published. He said no; but, he declared, it had been communicated to my predecessor here, and likewise sent to Mr. Serrurier, with orders to communicate it to you." On the 20th of May, 1812, this decree was for the first time made known to the British Government. On the 18th of June war was declared by the United States. On the 23d of the same month the Orders in Council were repealed. On the 4th of November last, the French decree of the 28th of April, 1811, was first laid before Congress; and on the 3d of March last, the letter of Mr. Barlow to the Secretary of State of the 12th of May, 1812, containing the declaration of the Duke of Bassano relative to that decree, was drawn from the Executive by the resolution adopted by this House on the motion of my friend from Maryland.

I have thus, sir, endeavored to give a concise, and I flatter myself, a correct statement of facts connected with the decrees and orders of France and Great Britain, and with the measures adopt-

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ed by the United States in relation to them. From this statement, we shall not be at a loss to discover the import of the declaration of the Duke of Bassano, and the nature and extent of the charge which that declaration fixes on the honor of this country, and the men who administer its Government. Great Britain professed always, without doubt, until her declaration of the 21st of April, 1812, her readiness to proceed "*pari passu*" with France in a revocation of her edicts against neutral commerce. She called repeatedly for authentic evidence of the alleged repeal of the Berlin and Milan decrees. The decree of the 28th of April, 1811, constituted that evidence. On the supposition that that decree was made at the time it bears date, then, has it been concealed, either by the French Government or our own, or by both, in concert, for the purpose of preventing the repeal of the Orders in Council, and thus cheating and betraying Congress and this people into the ruinous war under which we are now suffering. The declaration of the Duke of Bassano fixes this charge exclusively on the American Government. It is a serious charge, and well merits an examination of the grounds on which it rests.

I will not, sir, on this occasion say what is my own opinion of the truth of this allegation of the French Minister of Foreign Affairs. It is not necessary that I should do so. But it well becomes gentlemen on the other side of the House, who consider themselves the guardians of the honor of the Administration; it well becomes us all, who are in truth the guardians of the national honor, to consider what opinion on this subject would be formed by a dispassionate man upon the evidence now before the public. Such a man must consider the Governments of the United States and France at issue on a point deeply affecting the honor of both. The question between them, to his mind, is plain and simple. Did the French Minister of Foreign Affairs declare a positive official falsehood; or has this Administration suppressed an important document, with a view of plunging this nation into war with England?

There are, sir, many considerations which would at once present themselves to the mind of such a man in support of the truth of the Duke of Bassano's declaration. Let us adopt the train of reasoning which he would naturally pursue, and see to what conclusion it will lead us.

In the first place, then, this declaration of the Duke of Bassano is a formal, official declaration of the French Government made through its Minister of Foreign Affairs. The American Minister at Paris immediately on the receipt of the declaration of the British Government of the 21st of April, 1812, by a note to the Duke of Bassano, solicits that France would then make and publish an authentic repeal of her decrees. In a subsequent official conversation between Mr. Barlow and the French Minister, the latter produces the decree of the 28th of April, 1811, and explicitly declares, that that decree, being the authentic act required by Great Britain, and

furnishing complete evidence of the repeal of the Berlin and Milan decrees, had been made known to the Government of the United States. No declaration could be more formal. The personal veracity of the French Minister, his official character, and the faith and honor of the French Government, are all pledged for its truth. A declaration thus solemnly made by one Government in its official intercourse with another, is at all times entitled to credit.

But it may be urged that the character of the French Government for bad faith is such, that no implicit reliance ought to be placed on its official acts; that its history shows, that it has always been ready to sacrifice its truth and honor to its ambition, and that it has always been false, when falsehood would promote its views.

Sir, such considerations present themselves with great force to my mind; and no doubt, to the minds of those gentlemen who sit around me. With our views of the character and conduct of the French Government, little is wanting to convince us, that it is capable of everything treacherous, and all that is dishonorable. But, sir, these things ought to be said with caution by the friends of this Administration. They may criminate where they are seeking to justify.

Sir, when we are about to decide on the weight to be given to the testimony of any witness, we do not merely inquire into his general character. It is always considered important to ascertain what credit has been attached to him by the party implicated by his testimony. In estimating, therefore, the truth of the declaration of the Duke of Bassano, we are bound to ask in what light the official acts and declarations of the French Government have always been viewed and represented to the world by this Administration. I will not detain the House by dilating on the long, uniform course of implicit confidence reposed by it in the good faith of France, or the blind eagerness with which it has always seized and relied on the slightest engagements of that Government, and on the ample testimony which it has always borne by its acts and its declarations to the truth and honor of the French ruler. But, I will call the attention of the House to one instance in which these characteristics of our Administration were strikingly displayed.

I have already stated, that on the 5th of August, 1810, the Duke of Cadore, the French Minister of Foreign Affairs, declared to the American Minister at Paris, that the decrees of Berlin and Milan were revoked, and that they would cease to have effect on the 1st of November. This declaration was received by the Administration with eagerness. There was no hesitation, no delay, no inquiry into its nature or extent—no explanation demanded on the conditions, which on its face showed it to be deceptive and fraudulent. All was implicit, unbounded confidence, so unbounded, that the Executive issued his proclamation on the 2d of November, announcing as a fact, that these decrees were then repealed, and that they ceased to have effect the day previous. So unreservedly did the President rely on the

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truth of that declaration, that he did not hesitate to presume that the French Government would fully carry it into execution, and on that presumption, and on the confidence thus reposed in France, he founded the most important and eventful act of his Administration.

To have a full sense of the extent of that confidence, and of the strong and unhesitating evidence thus borne to the good faith of the French Government, it is necessary to consider the nature and effect of that proclamation. By the act of Congress, authorizing it in the event therein contemplated, the policy of this Government towards France and England assumed a definite shape. If France repealed her hostile edicts within the meaning of that act, it required little discernment to foresee that war with England would follow, in the event of a refusal on her part to repeal also. By that act this Government became pledged to that course, and the event has shown that the pledge was so understood.

In that state, then, of our relations with these Powers, the proclamation of the 2d of November may be considered as deciding the question of peace or war with England—if she refused to reposit the same blind confidence, as did our Administration, in the good faith of France. It was the decisive step—the passage of the Rubicon, which cut off the Administration from all retreat, without the exercise of more magnanimity and firmness than seems to have fallen to its lot.

If then, sir, this Administration was thus willing to stake the honor, and even the peace of the country, on the faith of the French Government, the world cannot have stronger evidence of the confidence reposed in that faith. If, on the simple declaration of a French Minister of Foreign Affairs, it was thus ready to overstep the last boundary between peace and war, and to enter on an untried course, the end of which no human foresight can discover, and the calamities of which no human power can estimate, surely it stands committed to the world, that such a declaration is at all times worthy of the most implicit belief.

Now, sir, permit me to remark that this declaration of the Duke of Cadore is entitled, in itself, to no more respect than is that of the Duke of Bassano, the probable truth or falsehood of which we are now considering—both declarations are attended with the same solemnity—both are official—both are made by Ministers standing in the same relation to the French Government—and to the truth of both is that Government equally pledged. If, then, the Administration have not hesitated to believe the one, it cannot complain if an impartial world would not hesitate to believe the other. Judging according to the common rules of evidence, and the plain dictates of common sense, the Administration in this case stands convicted by its own acts. After all it has done and said, an impeachment of the truth of the French Government does not lie in its mouth or the mouths of its friends.

But, sir, in investigating the truth of this declaration of the Duke of Bassano, if we advance a

step further, we cannot fail to remark that it stands unexplained and uncontradicted. In private life, if a man will quietly submit to hear a charge deeply affecting his honor, without contradiction or resentment, in the judgment of all men he is self-condemned. Our Administration, more than a year since, heard the charge, which the declaration of the Duke of Bassano imputes to them, publicly and openly made, and yet it is not known to the world that they have thought it expedient to explain or contradict or even to resent it. This decree of the 28th of April, 1811, and the declaration of Bassano respecting it, have twice been distinctly brought within the notice of the Executive. In the Message to Congress at the commencement of the last session, in speaking of our relations with France, he tells us that our affairs retained the posture which they held at the date of his previous communication. "The only interesting occurrence," (says the Message) "meriting attention, is the promulgation of a French decree, purporting to be a definite repeal of the Berlin and Milan decrees. This proceeding, although made the ground of the repeal of the British Orders in Council, is rendered, by the time and manner of it, liable to many objections." Again, in the communication made to this House, on the 3d of March last, not only the decree itself is given to the House, but the declaration of Bassano is distinctly noticed.

If the Executive had not felt the necessity of denying the truth of this declaration at the moment it first came to his knowledge—if he had considered (I will not say how erroneously) that such a denial, volunteered by this Government, would not have comported with its dignity—it is difficult to imagine why that denial, now considered on all sides so essential, was not made in his general Message to this House, when his allusion to that decree seemed naturally to invite it. It is still more difficult to imagine, why it was not made in his special Message of the 3d of March, when it was impliedly called for by this House. A silence thus guarded, on occasions so strongly demanding such a denial, impels us to believe that it could not have been made with truth.

Again, sir, in investigating the probable truth of this declaration, we should be led to inquire into the character of the Administration for a becoming spirit in resenting the insults of foreign Powers. Its friends, no doubt, are willing to consider that character as standing on high ground; and indeed if we recur to one instance, fresh in the recollection of the House, we must, it would seem, be satisfied that its sense of insult is extremely refined. It cannot be forgotten, that a British Minister was dismissed, and an important negotiation broken off, for what was justly termed "an insinuation of an insult"—an insult so very subtle in its nature, that this House for many days was engaged in profound and labored arguments to prove its existence. Surely then this Administration is fully alive to what is due to its own honor. And yet it has submitted in

silence to the dishonorable imputation thrown upon it by the French Minister of Foreign Affairs. What shall we say then? If the declaration of the Duke of Bassano was true, it could not be resented. Are we then driven to believe it—or that this Administration, once so alive to the feelings of resentment against a British Minister, is dead to the insults of the Minister of France? Are we driven to believe it—or that this Administration has lost the sense of insult in the sense of fear?

Again, sir, in investigating the truth of this declaration, we should be led to inquire, on the supposition that this decree was concealed by our Administration—what motives could exist to have induced them to such an act? In speaking of the motives of any man, more especially of the men who administer the Government of the country, it becomes me to speak cautiously, though the nature of the case compels me to speak plainly.

There are those in this nation, sir, who think that they see sufficient inducements to this concealment, in the wish to gratify a long cherished hostility to England. They think that hostility to England has been the principle that has given life and growth and strength to the party now in power; and that the chiefs of that party duly estimate the importance of fostering that hostility, even at the sacrifice of peace. Others think that a sufficient motive for this concealment may be found in the equally long cherished wish to join in the anti-commercial war of France, to promote the views of the “grand pacificator” of Europe, who is to “conquer the liberty of the seas,” and who has told us that he “loves the Americans;” on these things, however, I will not stop to enlarge. But there are reasons for this concealment, which may have operated on the mind of the Executive, and which have their foundation in that pride of opinion and love of consistency, which are natural to man, and which often lead him to adhere obstinately to opinions once formed, in spite of the power of evidence and the light of truth.

The President, by his proclamation of the 2d of November, has declared to England and the world, that the decrees of Berlin and Milan were then revoked. To the fact of that revocation he thus pledged his own official character, and the character of his Government. To maintain the truth of that proclamation his feelings and pride became, of course, deeply enlisted. On its truth he had staked the peace and happiness of this country, and he no doubt felt all the responsibility which he had thus assumed. It is not surprising, therefore, that he should shut his eyes to the force of the evidence, which proved the precipitate rashness of that proclamation. When the decree of the 28th of April was communicated to him, he may have thought that the additional evidence afforded by it, of the repeal of the decrees of Berlin and Milan, ought not to be desired by this nation, or by the British Government; and that the declaration of the Duke of Cadore in August, 1810, which had been so sat-

isfactory to him, ought to be equally so to the world. The communication of that decree to the Government of Great Britain, or to the people of this country, he may therefore have deemed unimportant; and he may have considered such a communication as injurious to his reputation, as it would seem to imply a consciousness that, in issuing his proclamation, he had acted without all the evidence which he himself deemed material.

And, sir, to illustrate these remarks, and to show with what pertinacity the Executive has always adhered to the opinion that the declaration of the Duke of Cadore, in August, 1810, afforded satisfactory evidence of the repeal of the French decrees, permit me to turn your attention to the letter from the Secretary of State, to Mr. Russell, of the 21st of August, 1812. When, after the lapse of more than a year from its date, the decree of the 28th of April was transmitted from Paris to the British Government, and when upon that decree was founded the repeal of the Orders in Council, we find in the letter just alluded to, among the exceptions taken to that repeal, that the President is dissatisfied; “that it is founded exclusively on the French decree of the 28th of April, by which the repeal of the decrees of Berlin and Milan, announced on the 5th of August, 1810, to take effect on the 1st of November of that year, at which time their operation actually ceased, is disregarded.” So determined was the Executive on adhering to his uniform construction of the declaration of the 5th of August, that he is dissatisfied that the British Government did not rest the repeal of their orders on that declaration, even at the moment when that declaration was incontestably proved, by France herself, to be false. I say incontestably proved by France herself to be false. For no man, after reading the decree of the 28th of April, 1811, can believe that the decrees of Berlin and Milan were unconditionally repealed on the 1st of November, 1810. Sir, the very act of making that decree, is in itself conclusive proof that no such previous unconditional repeal existed. If such an one did exist, that decree was unnecessary and absurd. But attend, sir, to the language of that decree: “Seeing by a law passed on the 2d of March, 1811, the Congress of the United States has ordered the execution of the provisions of the act of non-intercourse against Great Britain: Considering that the said law is an act of resistance to the arbitrary pretensions consecrated by the Orders in Council: We decree, that the decrees of Berlin and Milan are definitively, and to date from the first day of November last, considered as not having existed in regard to American vessels.” Could any language more conclusively show, that no previous definitive repeal of these decrees existed? That, if there was any previous repeal at all, it was one depending on a condition precedent—the enforcement by the United States of the act of non-intercourse against England. This was done by the law of the 2d of March, 1811, and this law is expressly made the foundation of the defi-

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nitive repeal of the decrees, while the law itself was founded on the fact, declared by the President's proclamation, that they were already definitively repealed.

Thus it is, now, as clear as the light of day, that the proclamation of the President was rash and precipitate; that the fact on which it rested did not exist; that the declaration of the Duke of Cadore was false and deceptive; and that thus the calamitous war, in which we are now involved, has its very foundation in the duplicity and fraud of the French Government, and in the blind or wilful folly of our own.

But, sir, it has been urged with great warmth, by the honorable gentleman from South Carolina, that, had there been no concealment of the decree of the 28th of April, had it been communicated to the British Government at the time it bears date, it would not have produced a repeal of the Orders in Council; and the gentleman refers us to the declaration of the Prince Regent of the 21st of April, 1812, and the subsequent correspondence between the Secretary of State and the British Minister in this country; by which he tells us, it will appear, that a repeal of the decrees of France, only as they related to the United States, would not have been satisfactory to that Government. Sir, admitting for the sake of the argument that the gentleman's construction of that declaration and correspondence is correct, it by no means supports the position he has taken. If the British Government has assumed at all the ground in relation to the French decrees, now asserted by the gentleman, it assumed it by the declaration of the 21st of April, 1812. For one year, then, after the date of the decree of the 28th of April, 1811, had Great Britain been requiring the definite evidence afforded by that decree, of the repeal of the decrees of Berlin and Milan—standing pledged on the receipt of that evidence to proceed, *pari passu*, in the repeal of the Orders in Council. Although, then, by the declaration of the 21st April, she may have assumed higher ground, can it be reasonably doubted, that if that decree had been communicated to her at the time it bears date, the Orders in Council would have been revoked? We cannot doubt about it, sir, when we know that, notwithstanding that declaration, she did repeal them in a manner "susceptible of explanations meeting the views of that Government" within a reasonable time after that decree was made known to her. I say within a reasonable time, for when we consider the unsettled state of the British Ministry at that period, the intervention of thirty days, between the receipt of the decree and the repeal of the orders, cannot be considered a material circumstance.

But, sir, we are told by the honorable gentleman from South Carolina, that the result of the inquiries, then going on in the House of Commons, as to the operation of the Orders in Council on the commerce and manufactures of Great Britain, was the true cause of their final repeal. But, sir, let it be remembered, that the object of those inquiries was not so much to ascertain

whether the effect of the Orders in Council was injurious to the British nation; whether the extent of that injury was so great as to make it expedient to abandon them, notwithstanding France might still refuse to revoke her decrees. Great Britain must always have been sensible, that the effect of those orders was injurious to herself. The clamors of her manufacturing interest against them had been long as loud, and importunate, as they were at the period of their repeal. She wished only for a pretence to repeal them consistently with the ground she had uniformly taken with respect to the decrees of France. And I have little doubt that they would have been ultimately repealed without that pretence. The communication of the decree of April 28th, at the time it bears date, would have afforded the opportunity she had long wished; an opportunity which the event has shown her eager to improve. But, sir, it is again intimated, that the concealment of that decree was unimportant, for we are told, that although its promulgation might have produced the repeal of the Orders in Council, that repeal would not have prevented the war. The right claimed by Great Britain to impress her own seamen on board of our merchant vessels, it is now said, was in itself ample cause of war. Sir, I can never believe, that for this cause alone war would have been declared. Did not the Administration, at a late period, profess its readiness to overlook the question of impressment, and to give up its whole restrictive system against England, on an arrangement of the other matters of difference between the two Governments? If we go back to the negotiation with Mr. Erskine; if we consider the eagerness with which that negotiation was conducted, and the rapidity with which it was hurried through all the forms of diplomacy; and if we consider, also, that in the arrangement made with that Minister, the question of impressment was untouched, we must be convinced that the Administration considered it a point of minor importance.

It is not reasonable to expect on this subject that any proof can be drawn from the formal declarations of the Government. But even here we may discover something which may serve to show in what light a repeal of the Orders in Council before the declaration of war would have been viewed. In the letter before alluded to, of the 21st of August, 1812, from the Secretary of State to Mr. Russell, we are told, that "it is not now a question whether the declaration of the Prince Regent (repealing the Orders in Council) is such as ought to have produced a repeal of the non-importation act, had war not been declared, because, by the declaration of war, that question was superseded." A ground is thus afforded for a fair inference, that the Administration felt itself precluded by the declaration of war from giving to the repeal of the Orders in Council that effect and influence on the policy of this country, to which it might otherwise have been entitled.

But, sir, independent of all evidence on this subject to be drawn from the acts or declarations

of the Government, I may venture to appeal to honorable gentlemen who were members of this House at the time war was declared, and to ask them whether such a declaration would or could have been made, had it not been for the conviction which the majority then professed to feel, that the Orders in Council would not be revoked? I may appeal to the general sense and understanding of the nation on this head, and to the universal expression of regret, when it was found that these orders were in fact revoked about the time war was declared; that that declaration had not been delayed. Sir, I can be convinced of nothing more firmly than that the sober sense of this House, or of this people, would never have sanctioned a declaration of war on the ground alone of the British claim to impress their own seamen.

I have thus, Mr. Speaker, endeavored to state to the House the reasons which have induced me to think that the promulgation of the decree of April 28th, at the time of its date, was highly important to the best interests of this country. You will have perceived, sir, that my remarks have been founded on the supposition, that that decree was in truth made by the French Government at the time it bears date, and that it has been suppressed by that Government, or our own, or by both in concert. I have also ventured to state to the House the considerations which operate powerfully to convince us that the declaration of the Duke of Bassano, charging the suppression exclusively on the Government of this country, is true. And really, sir, when we consider that this declaration is the solemn official act of the French Government; of a Government to whose acts and declarations this Administration has always declared that the most unbounded confidence was due; that it is a declaration as yet unexplained and uncontradicted, and that, for the act it imputes to the Administration, adequate motives may be assigned, the mind must struggle hard to resist the conviction pressed upon it by such a weight of evidence.

Viewing the subject in this point of light; considering that as the facts now stand before the public, this Administration must be convicted of having suppressed an important public document for the worst of purposes, I must be permitted, in common with my eloquent friend from Maryland, (Mr. HANSON,) to express my surprise that the resolutions now on the table, should be opposed. These resolutions are designed to throw light on this dark transaction. If it will bear the light, the friends of the Administration ought to promote the inquiry. They ought not to shrink from a measure which must result in the vindication of its honor, if indeed it can be vindicated. We now tender to the majority an opportunity, which they ought themselves to have taken, of repelling this foul slander on our Government. We would fain hope that the effect of this investigation will be to wipe away the suspicion which is now attached to our rulers—a suspicion which is daily gathering strength, and which will soon become conviction, if you reject

these resolutions. The nation ought not, and will not be satisfied without this inquiry. The public voice imperiously demands it. Now when the pressure of the war begins to be felt; when you are about to impose heavy burdens on the people for its support, at least let them know that if you have been the dupes, you have not been the willing dupes of the intrigues and falsehood of France. You accuse us of thwarting the measures and views of the Administration by our opposition to the war. If you know your own interest, take from us the most deadly weapon that can be wielded against you. Be prompt in repelling the charge that you have been tricked and betrayed into this war by France, and that you have not dared to remonstrate. Let the Administration tell us where the falsehood lies, and if they are innocent, let us know how they repelled the vile calumny. Let us see that they have had spirit enough to resent an imposition which they had discernment enough to detect.

Sir, these are considerations which I urge to gentlemen who sit on the other side of the House. To me, had I a seat there, they would be conclusive. But, sir, I confess I have much higher motives; motives which, I have no doubt, operated strongly on the mind of my friend from New Hampshire, when he determined to call the attention of the House to this subject. My political observation, limited as it has been, has taught me that many of the worst evils under which this country has suffered have arisen from that overweening confidence in French faith and honor, which is felt not only by the men who administer the Government, but by a portion of the people. It is this confidence that has bound and hoodwinked every victim which has been sacrificed by France. I confess, sir, I wish this delusion in the public mind corrected. I wish to see this Administration compelled to stamp on the forehead of France, the falsehood she has dared to utter, that it may remain there as a mark to warn the nations, that there is no safety but in her open and avowed enmity. And sir, if, contrary to our hopes, the Administration have been a willing party to this dark intrigue; if they have connived at the falsehood of the French Government, and have not dared to repel the grossest insult which could be offered to the independence and honor of our country, I equally wish to see the mask stripped from the faces of men, who will then be acknowledged to have too long deceived an honorable and confiding people.

Mr. GROSVENOR addressed the Chair as follows: Mr. Speaker, I cannot suffer the question to be taken without offering to the House my reasons for supporting the resolution. In doing this, sir, I, like the honorable gentleman from South Carolina, may become *warm*; yet as I can never admit that such warmth furnishes any license to him for personal attack, or improper language, so I shall claim no such license myself, by condescending to imitate his example. I have, Mr. Speaker, adverted to the example of the honorable gentleman, for the purpose of informing him that the boisterous language on this floor by way

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of defiance, threat, or intimidation, will no longer have its wonted effect.

I wish that honorable gentleman and every other gentleman on this floor distinctly to understand, that their threats have no terror for us. They pass by us like the idle winds which we respect not. Sir, I stand here the independent representative of a free people. Upon all topics which come before this House, I shall ever "speak what I do think," restrained by nothing but the rules of decorum which are here established, and which it may become every gentleman to observe.

I stand upon my own personal right, which I will yield to no man. I stand upon the freehold of the Constitution, from which I will not be driven without a struggle.

Sir, I have no doubt that this House has a perfect right to the information demanded by the resolutions. How can we speak or act upon subjects inseparably connected with our foreign relations, if the Executive, the only organ of communication with other nations, may be suffered at his sovereign will and pleasure to withhold from us all his correspondence? By admitting such a course of practice, the President has had the destinies of this nation in his hands—nor is it strange that this House, that Congress and the nation, have been hurried from one restrictive measure to another, and finally into an unnecessary and a wanton war. Sir, I have not the slightest doubt that to this constant habit of Executive secrecy, to the garbled *extracts* of letters from and to the French Government, which deform our journals and deceive the public; to the deep darkness which shrouds our intercourse with the arch tyrant; more than to any other cause, may be imputed all our present dangers and calamities. Let this House, let this country, no longer be forced to feel its way in thick darkness when the light and the day are within its reach.

In England, it is true "His Majesty can do no wrong"—and when his Ministry draw a veil over their conduct, they step boldly forth and demand the *confidence* of the Parliament and the country, secure in the protection of the King and the majority. But, sir, I am utterly astonished when I find gentlemen who bluster much about the purity of their republicanism, who are in an absolute political fever when the theory or practice of that "corrupt, despotic, and treacherous" nation is even hinted at, should now wish to introduce here a practice precisely similar. The foundation of our whole system of Government is *responsibility*. The President and most of his dependents are by the Constitution obnoxious to the animadversions of this House. And every official man in the Republic is responsible to the people. Let this responsibility never be destroyed or evaded by suffering any officer, be he high or be he low, to draw a permanent veil over his official conduct; and, if he attempts it, let this House, planting itself upon the Constitution, raise its arm, tear asunder the pernicious covering, and expose the naked truth to the view of the people. In the pure age of our Republic such was the theory and the practice under our Constitution.

But it is said that no reason is assigned in the resolutions for the call, no purpose designated for which the information is required.

Sir, I had considered that this objection was settled forever in the session of 1796. The President then refused the information demanded by the House. Upon this refusal the House passed two resolutions, the one of which I will read:

"*Resolved*, That it is not necessary to the propriety of any application from this House to the Executive for information desired by them, and which *may* relate to any Constitutional functions of the House, that the purposes for which such information may be wanted, or to which the same may be applied, should be stated in the application."

On the passage of this resolution, Mr. Madison and Mr. Gallatin, then members of this House, both spoke and voted in the affirmative. Can the Executive shrink from the rule which he when on this floor adopted? Or will his supporters here deal to him a measure different from that which he dealt to the Father of his Country? The principle on which this resolution is founded, has prevailed here to this day; and strange indeed would it be, if now it should be violated, to shield from its fair operation the very man who originated and established it among us.

Another objection has been started. It seems that the resolutions are too categorical and particular. Sir, I do admit that the resolutions are strongly marked with a particular, categorical, and even inquisitorial character. From them no casuistry, no art, can enable the President to escape. They were thus drawn for no other reason than to preclude all evasion and elusion—to obtain the particular and precise information demanded. I well know, that the ordinary general form is more proper and more respectful. But, sir, there may be cases in which mere form must yield to substance and necessity, courtly respect to plain Republican sincerity. Is not this precisely such a case?

At the close of the last session, upon the motion of the honorable gentleman from Maryland, (Mr. GOLDSBOROUGH,) a resolution was adopted in the ordinary and general form—

"*Resolved*, That the President be requested to cause to be laid before the House the French decree, purporting to be a repeal of the Berlin and Milan decrees, referred to in his Message of the 4th of November last, together with such information as he may possess concerning the time and manner of promulgating the same," &c. &c.

This is the material part of the resolution. What was the reply to this resolution? A simple communication of the degrading accusation of the French Minister, and that only. Not one word of denial or of comment; not a murmur of resentment at the foul stigma which the Duke of Bassano had attempted to fix on the honor of the Executive and the character of the country. All information that the President "might possess relative to the time and manner of promulgating" the decree was refused or evaded; and thereby the blot on our national honor was rendered tenfold deeper and blacker.

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Would these honorable gentlemen have us repeat an experiment which issued in such consequences? Would they again adopt a course which would again disappoint us and disgrace our country? No, sir, if this information ought to be obtained, this is the only form, the only manner to obtain it. We must tell the Executive without ambiguity and with precision, and yet with every respect compatible with our duty, our objects and our requests. If these resolutions pass, they must be met with satisfactory information, or with a refusal to communicate. The reply will rest with the President, and upon him be the responsibility for the form and substance of that reply.

Having disposed of the form of these resolutions, I will now proceed to their substance.

An instrument purporting to be a French decree, modifying or repealing the French Berlin and Milan decrees, so far as they violated our neutral rights, was communicated by the Duke of Bassano to Mr. Barlow, our Minister in France, on the 10th of May, 1812. This decree bears date the 24th of April, 1811. It had been concealed for more than one year from the time of its date. Mr. Barlow, conscious that the publication of the decree, at its date, would have saved this country from many evils, and astonished at its concealment, demanded of the Duke of Bassano whether it had ever been published. The Duke replied, that it had been communicated to our Minister in France, and sent on to Mr. Serurier, to be communicated to our Government. If the Duke of Bassano stated the fact correctly, then our Government was guilty of concealing the decree. If he stated a falsehood, then his own Government is guilty of the concealment, with the full addition of duplicity and falsehood. Certainly, the charge of the French Minister implicated the honor and the honesty of the Executive of this country. It struck a blow at the integrity and honor of the Government. Yet the Executive has never publicly denied the foul accusation. It is to arrive at truth in relation to this dark and alarming transaction, to acquit the innocent, and to hang the guilty up a detestable spectacle to the universe, that these resolutions are offered. Let me ask the House, let me ask the nation, is not the object laudable—is not the duty important and imperious?

Mr. Speaker, I have not one doubt that, if that decree had been published at the time of its date, it would have prevented the present war and all its calamitous consequences. To establish this position, I must solicit the attention of the House to the facts and events which conducted this devoted nation to its present disastrous situation. After unsuccessfully negotiating for the repeal of the French decrees and British orders—after a wild and destructive experiment had evinced that the embargo, a measure founded in the grossest political error, continued in obstinacy, and ending in national disgrace and commercial ruin, was equally imbecile abroad and pernicious at home—the Government, either shrinking from the frowning aspect of the North, or resolving to

establish an impartial policy between the two belligerents, assumed what was then called its final neutral attitude.

The Committee of Foreign Relations of this House, under the immediate influence of the direction of the present Executive, on the 22d of November, 1808, made a report, in which was described the situation of the country in relation to France and England, the ground which the Administration were about to occupy distinctly pointed out, and the principles of justice and policy which would influence its conduct towards those nations fully developed. I beg the attention of the House to a few passages in that report.

The framers of the report first describe the origin and foundation of the French decrees and British orders, the manner in which they violate American rights, the policy of the embargo, and the efforts made by the American Government to obtain a revocation of those decrees and orders. They then say, "The effort has been ineffectual. The propositions have been actually rejected by one of the belligerent Powers and remain unanswered by the other. In that state of things, what course ought the United States to pursue? Your committee can perceive no other alternative but abject and degrading submission, war with both nations, or a continuance and enforcement of the present suspension of commerce."

They reject the first alternative, and then proceed: "There is no other alternative but war with both nations, or a continuance of the present system; for, war with one of the belligerents would be submission to the edicts and will of the other." "Nor can it be doubted, that a measure that would supply exclusively one of the belligerents, would be war with the other." While the decrees of both nations remain unrepealed, the committee here distinctly state, that any "restrictive measures that would exclusively supply one of the belligerents, whether of non-intercourse or non-importation against the one nation, would be, *ipso facto*, war with that nation, and submission to the edicts and will of the other."

They then consider the question of war, and say: "The present unsettled state of the world, the extraordinary situation in which the United States are placed, and the necessity, if war be resorted to, of making it, at the same time, against both nations, and these the two most powerful in the world, are the principal causes of hesitation. There would be none in resorting to the remedy, however calamitous, if a selection could be made on any principle of justice, or without a sacrifice of national independence." Language cannot be plainer. The committee, acting, I repeat, under the entire control and direction of the Executive, distinctly state, that war with either nation, whether by the new fashioned mode of commercial restrictions, or by the old fashioned mode of fighting, while the decrees of both nations were in force, would be dishonor, injustice, submission, and a sacrifice of national independence, and in direct contradiction to the idea advanced yesterday by the

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gentleman from South Carolina. In such circumstances, neither nation could be, with honor and justice, selected for hostility.

Mr. Speaker, this report, and all its principles, emanating directly from the Executive, were adopted by this House, and by Congress. The Government of the United States thereby pledged their honor, their character, and their faith to our merchants, to our people, to the belligerent nations, and to the world, to be governed in their future policy by its provisions, and they never violated that pledge until the President of the United States issued his inconsiderate—his false proclamation, on the 2d day of November, 1810. Soon after this report and its principles were adopted in this House, the embargo descended to the grave. I hope, never again to rear its "miscreated front" among us. In pursuance of the principles of the report, on the 1st of March, 1809, an act, commonly called the non-intercourse law, was passed, to commence on the succeeding 20th of May, against both belligerents, but in strict accordance with the new and impartial policy of our Government, containing a provision that, if France or England should so far repeal or modify her edicts, as that they should cease to violate our neutral rights, the fact should be proclaimed by the President, and the act was to cease as to that nation.

This act was to expire with the next session of Congress. I pass over the arrangement of the British Minister, Erskine, the proclamation of the President founded thereon, the rescinding of that proclamation, the outrageous conduct of France upon the pretence of retaliation for that act, the vile insults heaped upon our Government by France, and borne with a patience bordering on pusillanimity, and request your attention to the act of the 1st of May, 1810. This act was founded on the principles of the report; it was passed just before the expiration of the act of non-intercourse, and was intended to supply its place. It declared that, if Great Britain or France should so revoke or modify her edicts as that they should cease to violate the neutral commerce of the United States, which fact the President should declare by proclamation; and, if the other nation should not, within three months thereafter, revoke or modify her edicts in like manner, then certain sections of the non-intercourse law of March, 1809, should be revived against the nation so refusing to revoke or modify. The sections, thus to be revived, constituted an iron system of non-importation against such nation.

Mr. Speaker, from this act this country may date the origin of those sinister events, which now cover her with distress and blood. This is the Pandora's box, whence have escaped all that swarm of disasters which that nation will long remember with tears of blood. It placed the fate of this country, its peace, its prosperity, its happiness, in the hands of men unable to guard and protect them. The Constitutional guardians of the people, the immediate sentinels of our honor and independence, shrinking or flying from their posts, surrendered their power, to be exercised by

an Executive. What a wild field of Gallic intrigue was now presented! The imperial magician had now only to seduce or to dupe the Executive, and this proud nation would lay prostrate, in the snares of French perfidy and violence. A "gordian knot" would be fastened upon us, and this last Republic be found fighting in the universal battle, side by side, with the veriest tyrant that ever crimsoned the earth with blood.

From the moment that this law was known in France, the work of duplicity began, and it never ceased until all the designs of the French despot were fully accomplished. By the principles of the report, adopted by Congress; by the avowed and permanent policy of the Government; by the non-intercourse law of 1809; by every consideration of "justice, national honor, and national independence," and finally by the express provision of the law of May, 1810, on which only he could act, the President was solemnly bound never to issue his proclamation, until the French Government should have, in good faith, repealed or modified her decrees, in relation to American commerce. How was the fact? The President waited for no such repeal or modification. He became the dupe of French duplicity and falsehood. In the language of Mr. Russell, then our Minister in France, the President "was shuffled into the lead where national honor and the law required him to follow."

For the indubitable correctness of these propositions I appeal to facts. On the 5th of August, 1810, the Duke de Cadore, the French Minister of Foreign Relations, addressed a note to Mr. Armstrong, then our Minister in France, from which I will read an extract: "I am authorized to declare to you, sir, that the decrees of Berlin and Milan are revoked, and that after the 1st of November they will cease to have effect; it being well understood that, in consequence of this declaration, the English shall revoke their Orders in Council, and renounce the new principles of blockade, which they have wished to establish, or that the United States, conformably to the act you have just communicated, shall cause their rights to be respected by the English."

Sir, this is the instrument, and the only instrument, upon which the proclamation of the President was founded. Upon perusing this letter, its hollow, juggling, jesuitical character is visible and glaring. Unconnected with subsequent events, which stripped it of all ambiguity, from its very terms, who will dare to say that it revoked or modified the decrees, as required by the act of May preceding? It does not even purport to do this; it has not even the merit of Pythian obscurity; it ought not to have deceived the weakest understanding. "It being well understood," that is, "upon condition," (not in consequence of this revocation, even the juggler himself had not the impudence to call it a revocation,) "the English shall revoke, &c., or America cause her rights to be respected." What is the plain English of this jesuitical instrument? "Upon condition that England revokes her decrees, or that America, in case she does not so revoke, proclaims a measure of

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non-importation against her exclusively, then I make this declaration, that my decrees shall be revoked on the 1st November."

This is the plain import of this famous letter. It demanded that the Executive should "take the lead where national honor and the law required him to follow." It demanded, as a condition precedent to the absolute revocation of the French decree, that the President, under the law of May, 1810, should proclaim a non-importation act against England—a measure which, under such circumstances, the committee of this House, in 1808, had pronounced to be a "measure of war."

What was the plain duty of the President? Surely to resist the demand—at least, to wait until time, and the conduct of France, should strip the "declaration" of its oracular ambiguity. On the contrary, the President, as if eager to bind his country in the toils; as if eager to violate the honor of the nation and the law, as soon as it was possible, issued a proclamation, in which he declared the French decrees revoked or modified; in which he demanded from Britain a revocation of her Orders in Council, and in which he announced the act of non-importation against her, if she failed to comply with the demand by the second day of the February succeeding.

Never, sir, I venture to say, never was public astonishment greater than upon the 2d November, when this proclamation was published.

And let me solemnly demand, have not subsequent events demonstrated that, at the time, and long after the date of this proclamation, the Berlin and Milan decrees were in full force against America? I will briefly examine the matter, and the American people, even that party which has nailed its colors to the mast of the Executive, and resolved, with him, to go to the bottom, shall no longer doubt the weakness of the President, and the black treachery of his imperial deceiver.

Mr Speaker: After the first of November, after the official proclamation of the President had, in the face of the world, pronounced the Berlin and Milan decrees repealed or modified so as no longer to violate the neutral commerce of America, American vessels were captured on the sea, and seized in France under these very decrees, were prosecuted under these very decrees, and never released from the grasp of these decrees, until late in the year 1811; and even then, not released by virtue of the Duke of Cadore's pretended letter of repeal, but in consequence of special orders of the Emperor, founded on the act of March, 1811, which confirmed the proclamation of the President, and established a non-importation act against England. If this proposition be true, all doubt is at an end. For folly or prejudice itself cannot believe that these vessels were seized and held nearly a year under decrees which were not in existence. They cannot believe that the courts of France could act upon and enforce laws which, a year before, had been repealed and extinguished by the Government. I will read to the House one case, selected as a fair specimen of numerous others. It is the case of the New Orleans Packet, detailed in a letter from Mr. Rus-

sell to the Secretary of State, dated the 9th of June, 1811. That vessel arrived in France on the 3d of December, more than a month after the proclamation of the President had been issued. Mr. Russell states that, "on the 5th of December, the director of the customs at Bordeaux seized her and her cargo under the Milan decrees of the 23d of November and 17th of December, 1807, expressly set forth, for having come from an English port, and for having been visited by an English vessel of war." The proclamation of the President arrived in France, and was received by Mr. Russell, on the 13th of the same month. He had, on the 10th, presented a remonstrance against the proceeding, and kept back the proclamation. For what purpose did he thus act? To test the question, he says, whether the French decrees were in truth revoked. To have used the proclamation, he says, "would be nothing better than absurdly and basely employing the declaration of the President, that the Berlin and Milan decrees had been revoked, as the means of obtaining their revocation." He therefore kept it back to ascertain "whether the American Government had been shuffled into the lead where national honor and the law required it to follow." He did keep back the proclamation, and the question was decided; his remonstrance was disregarded. For, he says, "that the *procès verbal*, issued after his remonstrance was presented, expressly declares that the confiscation of this property was to be pursued before the Imperial Council of Prizes at Paris, according to the decrees of the 23d of November and the 17th of December, 1807, or, in other words, the decrees of Milan."

His remonstrances having effected nothing, Mr. Russell did proceed, "absurdly and basely," to use the proclamation. He communicated it to the French Government on the 17th of the same month, and he says, from this very 17th of December, "all further proceedings against the New Orleans Packet were suspended."

These are the facts, and what is the inference of this honest and independent Minister? "It appears, therefore, that the remonstrance of the 10th of December, arrested the proceedings complained of," &c.

Now, sir, it appears to me, that a more barefaced perversion of facts was never attempted by any Minister. The remonstrance produced no effect whatever. Until the 17th, when the proclamation was presented, the vessel "was vigorously prosecuted." From that moment, "all further proceedings against the New Orleans Packet were suspended." That instrument alone arrested "the proceedings complained of," not only against the New Orleans Packet, but all other vessels which had been captured after the first of November. This is demonstrated by an order issued by the French Government to the President of the Council of Prizes, on the 25th of December, exactly eight days after the proclamation had been communicated by Mr. Russell. Suffer me to read an extract from that order:

"In consequence of this engagement entered into

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by the Government of the United States, to cause their rights to be respected, His Majesty orders that all the causes that may be pending in the Council of Prizes, of captures of American vessels, made after the 1st of November, and those that may in future be brought before it, shall not be judged according to the principles of the decrees of Berlin and Milan; but that they shall remain suspended; the vessels captured and seized to remain only in a state of sequestration, until the 2d of February next, the period at which the United States having fulfilled the engagement to cause their rights to be respected, the said captures shall be declared null by the Council, and the American vessels restored, together with their cargoes, to the proprietors."

No language can add to the force of this extract; it recognises the Berlin and Milan decrees as existing against America. In consequence of the "engagement," contained in the proclamation, it suspends all proceedings against our vessels, and says, when that "engagement" shall be "fulfilled" the vessels shall be restored. That engagement was fulfilled by the law of the 2d of March, 1811, which, I have already stated, confirmed the proclamation of the President, and established a non-importation act against England.

On the 28th of April, 1811, the French tyrant issued his impending decree—I will read it to the House:

PALACE OF ST. CLOUD,
April 28, 1811.

Napoleon, Emperor of the French, &c. On the report of our Minister of Foreign Relations:

Seeing, by a law passed on the 2d of March, 1811, the Congress of the United States has ordered the execution of the provisions of the act of non-intercourse, which prohibits the vessels and merchandise of Great Britain, her colonies, and dependencies, from entering into the ports of the United States:

Considering that the said law is an act of resistance to the arbitrary pretensions consecrated by the British Orders in Council, and a formal refusal to adhere to a system invading the independence of neutral Powers and of their flag, we have ordered and decreed, as follows:

The decrees of Berlin and Milan are definitively, and to date from the 1st of November last, considered as not existing in regard to American vessels.

NAPOLÉON.

By the Emperor: The Minister Secretary of State,
THE COUNT DARU.

This decree is in perfect conformity to every act and proceeding of the French Government. It fulfilled the promise made by the Duke de Cadore, in his letter of the 8th of August. America, by the proclamation and by the law of March, 1811, had resisted England, and virtually declared war against her; she had fulfilled the conditions presented in that letter; in consideration of which the repealing decree of France was issued. Whether that decree was issued at the time it bears date, or whether by collusion with Mr. Barlow it was antedated, is of no importance; in either case it exhibits the true meaning of all the acts of France which preceded it. It proves the falsity of the President's proclamation, the fatal law of March, and demonstrates that the

American President was the dupe of the tyrant, that "he was shuffled into the lead where national honor and the law required that he should follow."

I have said, if the French repealing decree had been made known to the Congress, to the American people, and to England, in the Spring of 1811, it would have prevented the present disastrous war. Permit me now to prove it. From the date of the President's proclamation down to the very declaration of war, our Government took the ground that the French decrees were in truth repealed, by the letter of the Duke de Cadore, on the 5th of August preceding; and upon this basis demanded the revocation of the British Orders in Council. Britain, denying that Cadore's letter was any repeal or modification, demanded the instrument of repeal issued by the Emperor, as the only ground on which she would revoke her orders. Neither the French or the American Government pretended that any such instrument was in existence; but the latter Government, deceived by the arts of the arch juggler, assumed the fact, and founded thereon hostile proceedings against England. If the decree had been published it would have been impossible that the vile deception could longer have been cherished by either Government, and Congress would have been forced by very shame to have retraced their steps, to have rescinded the proclamation, to have repealed the law of March, and to have placed the country on the same ground which she occupied in May, 1810. A war with England could not then have followed; unless, indeed, the Administration had been prepared openly to abandon all those principles of "national honor, national independence, national justice," and national policy, which they had adopted in the session of 1808.

Yes, sir, even though the British orders had remained unrepealed and unmodified, the publication of that decree would have cut the "Gordian knot," released this country from the toils of the tyrant, and have averted, perhaps for ever, this unnatural war. But suppose in this I am mistaken, yet have we not every reason to believe that if the French repealing decree had been known to England, she would have modified her Orders in Council, and continued peace would have been the consequence. Surely it is preposterous to pretend, if those orders had been revoked, that yet war would have been declared. The very reverse is proved by all the acts of our Government. In the Message of the President, at the commencement of the war-session of Congress, the "Orders in Council" are the burden of the complaint—impressment is not even mentioned. In all the correspondence between the two Governments, which preceded the war, the "Orders in Council" constitute the great topic of discussion.

In the correspondence which commenced between Mr. Foster and Mr. Monroe, on the 30th of May, 1812, and continued almost daily, down to the very declaration of war, the repeal of the Orders in Council was the only subject of dis-

cussion—and that alone was demanded, as a *sine qua non* to a restoration of a friendly intercourse. Impressment, though always a subject of difference between the two nations, had never been by our Government for a moment considered as a sufficient cause of war. Hence, in the arrangement with the British Minister, Erskine, not a word is said, not a stipulation made on that subject. Hence, in all the correspondence which immediately preceded the war, the subject of impressment is rarely if ever mentioned; and hence, in this House and the Senate, the act declaring war passed upon the sole but delusive ground that France had modified or repealed her decrees, and that England had refused to revoke or modify her Orders. Let me appeal to the members of this House who voted for the war. Would they have dared to have done that deed upon the subject of impressment alone? I am sure they would not—I speak not from personal knowledge—I speak from all that preceded, that accompanied, and that followed that dreadful measure. The subject of impressment was never swelled into that hideous form it now wears; it never became “a dog of war,” until when the Orders in Council were revoked, and an armistice demanded by England, it was dragged forward to repel the demand and to justify the Administration for “wading deeper and deeper in blood.” But let gentlemen on this floor answer what they will of this, I am certain the people of this country would never have joined in the quixotic expedition. The cant of “free trade and sailors’ rights,” heard only in the woods of the West where no trade exists, and no sailors are to be found, could not have drowned the voice of commerce, of agriculture, of justice, and of peace. Let gentlemen on this floor answer what they may, I tell them, they could not, they durst not have plunged this nation into war if the British Orders in Council had been repealed or modified. But those orders would have been repealed or modified if the French decree had not been concealed.

On this subject no doubt can exist. And never was I more astonished than when I yesterday heard the honorable gentleman from South Carolina (Mr. CALHOUN) deny this position. Upon what grounds does he place this denial? First, upon the letters of Mr. Foster to Mr. Monroe, which preceded the war. Sir, that correspondence I have perused, and a more singular, equivocal, weak, and indistinct correspondence I have never seen. It is undeniable, that in some paragraphs of Foster’s letters, abstracted from the residue, something like the position of the honorable gentleman may be found. But even these, abstracted from the rest, are declared by Mr. Monroe himself to be equivocal. The whole correspondence clearly proves that Mr. Foster never intended to declare, and never did definitively declare, that if an authentic instrument repealing the French decrees, so far as they violated the neutral commerce of America, should be produced, England would not revoke her orders in a similar manner. On the contrary, he

throughout disputed even the partial repeal of the French decrees; and says the question whether England would revoke as to America, was premature, and could be discussed to no purpose until America should produce an authentic instrument of repeal.

In the last letter which he wrote to Mr. Monroe, only four days before the final passage of the act declaring war, he avers that his preceding letters had been misunderstood and misconstrued, and finally declares—“I will now say, that I feel entirely authorized to assure you, that if you can at any time produce a full and unconditional repeal of the French decrees, as you have a right to demand it in your character of a neutral nation, and that it be disengaged from any connexion with the question concerning our maritime rights, we shall be ready to meet you with a revocation of the Orders in Council.”

However, then, in the course of Mr. Foster’s letters, some paragraphs may be selected, which, unconnected with what preceded and followed, might prove the position of the honorable gentleman. It is clear to me, that, when viewed as a whole, they neither prove or support it. I might demonstrate this by wading paragraph by paragraph through the whole correspondence. But this I shall omit, both because the honorable gentleman from South Carolina has placed but little reliance upon the letters of Mr. Foster, and because, in truth and in fact, they have but little bearing upon the question? What is the question? If the French repealing decree of April 1811 had been made known to England at its date, would she have revoked her orders as related to America? Mr. Foster’s letters can weigh but little, because, at the very time they were writing, that decree was before the English Government, and that Government was then deciding the very question. Of course, and most certainly, we are not to look to the letters of Mr. Foster to decide the question, but to the acts of the Government itself. The gentleman from South Carolina, aware of this, has resorted to an act of Government—to the declaration of the Prince Regent, issued the 21st of April, 1812. On that paper he has planted himself. With a violence, and in a manner but little becoming his situation on this floor, and in language both improper and indecorous, he has avowed, that in that paper is contained an express avowal, that “although France should repeal or modify her decrees, so as that they should cease to violate our neutral commerce, the English Government would not repeal or modify its orders in the same manner.”

[Here Mr. BING—then in the Chair—called Mr. G. to order. He said it was disorderly to apply the epithet “indecorous,” to any gentleman on that floor. Mr. CALHOUN then rose and said, he should say nothing then, but would reply to Mr. G.]

Mr. G.—I have, in my opinion, described the “language” of the honorable gentleman correctly. I have said no more than I understood the honorable gentleman to admit in his explanation when called to order by a gentleman from New

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Jersey (Mr. Stockton)—but I bow to the admonition of the Chair.

The honorable gentleman proceeded to affirm that, thereafter, no gentleman on this floor should "dare" to assert the contrary of his position. And he declared that he would prove the man guilty of "falsehood" who should make such an assertion. Sir, he has thus boldly thrown the gauntlet of defiance—I enter the lists and take it up—I do assert that the declaration of the Prince Regent contains no such avowal.

Thus, sir, there is a precise issue between that honorable gentleman and myself—I shall patiently await the execution of his threatenings.

That declaration is founded on an official report to the French Senate, republishing, in the broadest terms, the Berlin and Milan decrees as permanent laws of the Empire. It expressly denies any partial repeal in favor of America to have been made by France. It states the condition on which the Orders in Council will be revoked, not partially, not in favor of America alone, but in favor of all the world. And states those conditions to be the "express and unconditional repeal of the Berlin and Milan decrees, by some authentic instrument of the British Government." But in no part of it is there an intimation either that the British Government will, or will not, revoke or modify its orders as to America alone, in case France shall have repealed or modified her decrees in favor of America alone. Such a case is not touched upon, or alluded to, in the declaration. The gentleman from South Carolina must, therefore, abandon his position. He cannot sustain it by any effort of violence or sophistry.

But, sir, I, in my turn, will put "this question at rest forever." I will not say what the gentleman from South Carolina "dare do." I will not condescend to imitate his example of violence and threatening. But I will indulge the belief that neither he, or any other gentleman, shall have one honest doubt remaining. The Government of England did, immediately upon receiving the French decree, and in consequence of that very decree, revoke their Orders in Council, so far as they violated the neutral commerce of America.

Does not this fact speak in the language of demonstration to the judgment of any man who hears me? If in the Spring of 1812 the publication of the French decrees did produce the revocation of the orders, would not the publication of the same decree have produced a like revocation in the Spring of 1811? No man of sane mind and ordinary capacity can doubt it.

But the honorable gentleman has said—even in June, 1812, it was not the publication of the French decree, but the clamors of English merchants and mechanics, which produced the revocation. And this he infers from the fact that the French decree was in possession of the English Government for thirty-three days, during all which time the House of Commons were discussing the merits of the Orders in Council, before those orders were revoked.

To the utter confusion of this fanciful hypothesis, I will read an extract from the English order of revocation. The order bears date the 23d of June 1812.

"And whereas the Chargé des Affaires of the United States of America, resident at this Court did, on the 20th day of May last, transmit to Lord Viscount Castlereagh, one of His Majesty's principal Secretaries of State, a copy of a certain instrument then for the first time communicated to this Court, purporting to be a decree passed by the Government of France on the 28th day of April, by which the decrees of Berlin and Milan are declared to be definitively no longer in force in regard to American vessels."

He then states, that although "the tenor of said instrument" does not satisfy the conditions of his former declaration, yet wishing to re-establish the intercourse between neutral and belligerent nations, he, "therefore, is pleased" to revoke his orders, as they relate to American vessels and property.

The Prince Regent does here expressly aver, that the conjectures of the honorable gentleman are visionary.

He does declare that this revocation is founded on the French repealing decree. But this cannot be true, says the honorable gentleman, because the Prince Regent received the French repealing decree on the 20th of May, and delayed his revocation until the 23d of June. A few facts will dispose of this captious objection.

Mr. Perceval, the Prime Minister of England, was assassinated on the 10th of May. The Ministry was at once substantially dissolved. The gentleman cannot have forgotten the ministerial interregnum which ensued, and which continued for more than one month. He cannot have forgotten the various negotiations of Castlereagh and Liverpool, of Canning and of Wellesley, of Erskine, of Gray, of Grenville, and finally, of Moira. Nor can he but remember, that no Ministry was established until after the 14th of June. Is not that gentleman aware that without a responsible Ministry, the constitution of England does not recognise any act of its Government as legal and valid. He must know that instantly upon the full re-establishment of the Ministry, the subject was decided, and the Orders in Council revoked.

Nor had "the inquiries in the House of Commons or the pressure of the people" any decisive effect in producing that revocation. That pressure had long been felt by the people and long known to the English Government; the loud clamors of the people had long been heard without the slightest effect. Nor did the inquiry by the Commons produce one new fact to influence the revocation. No, sir, there is no reason to doubt the fact that the receipt of the French decree produced the revocation of the Orders in Council on the 23d of June 1812. Nor is there any pretence for saying that the same would not have produced the same effect on the 23d of June, 1811. With all these facts before us, is it not clear as the light of day, that, if the repealing decree of France had not been concealed, if at the

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time of its date it had been made known to Congress, to Britain, and to the world, this war would have been averted?

And now, let me appeal to this House and to the people of America—if this decree was communicated to Mr. Russell in April, 1811, and by him suppressed, he merits and shall receive the everlasting execrations of his country. If either by Mr. Russell or the Minister Serrurier, it was communicated to Mr. Monroe, and by him concealed from the Executive, is there a niche in the temple of infamy sufficiently infamous for him? But if, by any means, the decree came to the knowledge of the President; and if he, either through a paltry fear of proving his proclamation false, or from any other motive, buried it in darkness, and thereby delivered that country, which, by every bond human and divine, he was bound to protect, over to all the miseries of an unnecessary and bloody war, what maledictions can suit his conduct; what new and horrible punishment is commensurate with the bloody crime? Sir, the President is old, and the reproaches of man may concern and move him but little. But he must soon appear at the bar of Immortal Justice. If he has done this deed, how will he stand appalled before the accusing spirits of youth “untimely slain in battle?” How will his soul recoil from those bloody ravages, that wide devastation, that mass of human misery, which his own guilty conduct shall have produced!

Shall I be asked, if I believe the Executive has done this guilty deed? I answer, frankly and sincerely, no. However poorly I may think of the political character and conduct of the Executive, I do not believe him capable of a crime of such complicated wickedness; combining all the blackest attributes of official turpitude, murder, and treason. But, sir, my belief or disbelief has nothing to do with the subject. It is not to satisfy myself alone, that I press this call—I have a more exalted motive. I stand on higher ground. The honor, the purity of my native country is shrouded in darkness. Sir, national honor is a plant of peculiar growth; it can live and flourish only in the broad blaze of day; cover it with clouds and darkness, it withers and dies. The honor of my country cannot long survive amid the dark and pestilential vapors which hang around it. To disperse those clouds and vapors, to restore it to the genial beams of day, that America, Europe, and the world, may again behold it bright and unsullied; to frown contempt on the bloody despot who has striven to stain and destroy it—these are the objects—these I fondly hope will be the effects of this measure.

Has this House considered the black and hideous aspect which this subject now presents to the American people? Has it reflected that, at this moment, the foul accusation stands before this people and the world, uncontradicted, unexamined, unresented? If it is suffered thus to remain in mystery, its truth will soon be considered as established, and the stain on the American character so deeply fixed, as to defy every effort to wash it away.

Sir, examine for a moment the circumstances of this dark affair. I have said that, from the date of the letter of the Duke of Cadore, from August 5th, 1810, down to the 20th of May 1812, the British Government invariably refused to give credit to that letter, as a repeal or modification of the French decrees. That Government declared the letter false and jesuitical, and invariably demanded some authentic instrument of repeal, issued by the French Government itself. For such an instrument, our Ministers in France had importuned the Emperor, always without success, until, on the 10th of May, 1812, Mr. Barlow prevailed, and the decree of the 28th of April, 1811, was produced.

And here permit me to read a short extract from the letter of Mr. Barlow to Mr. Monroe, bearing date the 12th May 1812. In this letter is contained an account of the ignominious attack upon the honor of the Executive:

“When, in the conversation above alluded to, the Duke first produced to me the decree of the 28th April 1811, I made no comment on the strange manner in which it had been so long concealed from me, and probably from you. I only asked him if that decree had been published—he said no, but declared that it had been communicated to my predecessor, here, and likewise sent to Mr. Serrurier, with orders to communicate it to you. I assured him that it was not among the archives of this legation; that I never before had heard of it,” &c.

Had the vile accusation been promptly contradicted, no doubt would, or could have remained, as to the truth or falsehood of the charge. But, by a strange fatality, every act of the Executive, and of his Ministers and agents, has tended strongly to confirm its truth. Did Mr. Barlow contradict it? No; he simply declared, that he “never before had heard” of the decree. Has Mr. Russell, the “predecessor” of Mr. Barlow, ever publicly denied it? No; he has been well contented that his honor should remain stigmatized by the black accusation.

And what has been the conduct of the Executive? The session of Congress in which the war was declared did not terminate until the 6th of July. Mr. Barlow received the decree on the 10th of May preceding. Of course, unless there was uncommon delay, it must have been received by the Executive while Congress was in session. Why was it concealed from them? Was it feared that, even then, if convinced of the perfidy of France, the falsehood of the proclamation, and the error of all their own acts founded on that proclamation, they would provide a remedy for all their errors, and prevent the war? Was it feared, that even then, the banquet of blood might be refused to the guests, whose knives were sharpened and whose appetites were importunate for the barbarous feast? Locked up in the bosom of the Executive, it did remain until Congress met in the succeeding November. Then, surely, the foul accusation was communicated to the representatives of the people; then, surely, the feelings of wounded honor, of indignant innocence, smarting under false imputation of guilt, burst forth in

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tones of denial, reproach, and resentment? I feel degraded, as an American, when I am forced to answer, no. Still the infamous imputation is concealed from the American people—from the representatives of the people, the peculiar guardians of their interests and their honor. And never until the 4th of March, the very last day, and almost the last hour of the session, was it dragged from its concealment, by a resolution of this House.

Even then, not a word of denial, not a whisper of innocence, not a murmur of resentment is heard. If the subject is permitted to rest in its present mystery, by every rule of evidence and of common sense, what must be the inference? What the decision of the world upon the conduct of the President? Guilty, guilty! will be the universal verdict; and not a man will exist without this nation, who will doubt the justice of the verdict.

We are asked, if the "infamous Duke of Bassano," the author of the charge, is competent to excite a suspicion against our Executive? Mr. Speaker, this Minister is the official organ of the Emperor; he occupies the same office as did the Duke of Cadore when he wrote the famous letter of August 5th, 1810. The Executive then recognised the act of the Minister as the act of the Government. By what article of logic shall he now be permitted, when his own character is involved, to escape the rule which he then established?

In this condition is this dark subject now placed: The foul accusation has been made, officially made, by the Government of France. By every motive of policy, of honor, of truth, the Executive was bound to stamp falsehood on the infamous charge, and indignantly to hurl it back upon the imperial calumniator. This honorable and virtuous course he has not pursued. Let us, now, as the guardians of American truth and honor, demand it at his hands.

But a member from Tennessee (Mr. RHEA) has justified the President in not denying the accusation, or resenting the insult. It might, he has told us, obstruct our negotiation and injure our interests in France; in other words, the tyrant might resent our attempts to vindicate our honor.

Mr. Speaker, have we arrived at that degenerate age of our Republic, when a Representative of the people dare advance such slavish doctrines on this floor? What, sir, will you truckle to France to obtain justice? Will you, like the crouching spaniel, patiently endure the whips and scorns of an outrageous tyrant, lest he should frown upon you?

O, my country! if such is truly your degraded condition, mock the world no more with your vain boasts of freedom! If, to avoid the resentment and injustice of a tyrant, you must smile at insult, and become familiar with dishonor, tear in atoms your instrument of independence, strike the proud Eagle from your escutcheon, and blot from your history the names of Warren, Montgomery, and Washington. No, sir, no! I

never will believe until I hear it from his own lips, that any President of this high-minded people has dared to dishonor his country upon motives and principles like this. Mr. Speaker, there was a time when our Executive was not so slow to announce and to resent an insult offered to him and his Ministers. I allude to the famous "insult" offered by the British Minister Jackson. That "insult," as it was called, at the very worst, consisted in a reflection on the honor and veracity of the Secretary of State. And how was it then received and treated? no consideration of consequences was then permitted; then the honor of the Government must be vindicated, although at the hazard of national prosperity, happiness, and peace. A flame was kindled in the Cabinet, which continued to blaze until the whole nation became hot with indignation and fury. What then was the conduct of this House and of Congress? They, too, caught the epidemic fury; joint resolutions were passed, solemnly pledging themselves to the American people, and to the world, to stand by and support the Executive Government, "to call into action the whole force of the nation to repel such insults, and to assert and maintain the rights, the honor, and the interests of the United States."

What a mighty spirit of honor and indignation is here exhibited against a British Minister, upon whom, by implication, an intention to insult the honor of the Executive, had been fastened. Now mark the astonishing, the inglorious contrast; an injury, compared with which, the petty offence of the British Minister changes its character and becomes applause, has been offered to our Executive by the mushroom despot of France. How has it been received by the Cabinet? In silence, in poor, mean-spirited silence; nay, every effort has been made to cover it from the American people, and to conceal it from the world. For more than one year, the Executive has thus borne the basest insult which was ever offered to an independent people. In the meantime, what has been the conduct of this House and of Congress? Whether astonished at the tame endurance of the President, or resolved to share with him the disgrace, I know not; they, too, have been silent.

No blustering resolutions have appeared; no expression of resentment; and even now when the minority, forced by the inertness of the majority, have stepped forward, resolved to present the subject in its naked truth, and to call on the Executive to wipe the dishonor from his own character, and to vindicate the purity of this Republic, how are they met? Every covert obstruction is thrown in their way; and although the majority shrink from open resistance to this honorable course, yet no effort is left untried to render it futile and unavailing. Mr. Speaker, do insults and injuries change their nature with the change of persons who inflict them? Is an English insult one thing, and a French insult a different thing? Is the one atrocious, and to be resisted and resented "with the whole force of this nation," and is the other innocent, and to be borne with patience and submission?

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When a British Minister "insinuates an insult," is this Government to kindle a conflagration through the nation, threatening to consume not only him, but our own happiness and peace: and is the same Government to bare its back to the "scorpion lash" of a French despot, to receive with composure and silent submission the palpable calumnies, the barefaced insults of his mushroom Ministers?

Let gentlemen examine well the ground on which they are treading!

There are thousands and hundreds of thousands of this people, who do believe that your councils are contaminated by the influence and guided by the hand of France. For a series of years they have beheld, or they think they have beheld, the hand of the despot in our affairs. They have seen, or they think they have seen, their Government the unresisting dupe of French intrigue, the tame object of French insult and injury. If it so please you, call these men Tories; call them the friends of England; call them the victims of delusion; call them what you will, still, until you "can rail their judgments from their minds," or until your councils change, such will continue their honest belief. By rejecting these resolutions you fix their opinions forever. If they are deluded, you establish their delusion beyond the possibility of removal. On the other hand, if you pass these resolutions, and if, in consequence thereof, the President shall dissolve the darkness, shall step forth to the public pure and unspotted—if he shall evince that he has felt and acted as it became the chief of a highminded and free people; and if he has repelled and resented the base imputation, happy beyond measure, happy will be consequences of this proceeding. On my conscience, I believe it will go farther to destroy all suspicion of French influence—it will go farther to restore confidence in the Executive, than any other means that could have been selected.

FRIDAY, JUNE 18.

A bill was received from the Senate further to extend the time for issuing and locating military land warrants. The bill was twice read, and, on motion of Mr. McKEE, it was read a third time, and passed.

FRENCH DECREES.

The House resumed the consideration of Mr. WEBSTER's resolutions, respecting the French repealing decree.

Mr. GRUNDY rose, and addressed the Chair as follows:

Mr. Speaker, knowing that Congress had been convened at this time for the express purpose of providing an adequate revenue for the prosecution of the war in which our country is engaged, I did believe that a discussion not immediately connected with this subject should have been avoided; but, as the Committee of Ways and Means are not yet prepared to act on the bills reported by them, that time may not be entirely lost which is given to the examination of points which have been introduced into this debate.

The motion before us is to postpone indefinitely the consideration of the resolutions on your table; in other words, to reject them; to this I am opposed. I shall vote for them, and if modified in an inconsiderable degree, shall do so with pleasure. In doing this, I shall be governed by reasons entirely different from those which have been assigned by gentlemen who have preceded me. I shall vote for them to do away the effect which has been produced, and may again be produced, by the misrepresentations of the friends of that fast-anchored isle, which, according to the opinions of some gentlemen, has done us no essential injury; I shall vote for them, that the friends of that nation which is styled by some the bulwark of our holy religion may not mislead any portion of the American people. I shall vote for them that the advocates of that nation which is said to be fighting the battles of the world may not have it in their power to weaken the arm of this Government in its present contest with a foreign Power. These, sir, are the reasons on which I act, and not because I believe their adoption necessary to vindicate the honor of the Government or the character of those who administer it. The reputation of this Administration stands on a basis too solid to be shaken by any statement which the Duke of Bassano has or can make; and had not these new guardians of the Executive honor (Messrs. WEBSTER, OAKLEY, and GROSVENOR) been more sensitive than its old friends, no measure of this kind would have been deemed necessary. As this however is the first effort in their new vocation, so far as depends on my exertions, they shall be indulged and gratified. I have already said, that I shall vote with gentlemen on the other side of the House for reasons very different from their own. Were I at liberty to speak of motives, I would undertake to show that in these we differ no less than we have already in the reasons avowed. It has been alleged by those who have advocated these resolutions, that if an authentic document containing the decree of the French Government, bearing date the 28th day of April, 1811, and which so modifies the decrees of Berlin and Milan as to exempt the United States from their operations, had been furnished to the British Government before the declaration of war, that the Orders in Council would have been revoked, and thereby war would have been avoided. If I have mistaken the position which gentlemen have laid down as the basis on which their whole argument is founded, I beg now to be set right. [Mr. GROSVENOR, of New York, stated that Mr. GRUNDY had not mistaken their meaning.] Mr. GRUNDY then proceeded—Then, sir we are at issue: I deny the position laid down, and aver that the British Cabinet would not have repealed the Orders in Council, had a copy of the French decree of the 28th of April, 1811, been communicated previously to the declaration of war. I shall not follow the example which has been set by the gentleman from New York, (Mr. GROSVENOR,) I shall not quote from memory the evidences on which I rely. I will not expose myself to that error into which others have fallen by trusting to

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their recollection, when referring to documents in their support. I have these documents before me, and will show from them that Great Britain required, as the condition on which she would revoke her Orders in Council, that the French decrees of Berlin and Milan should previously be rescinded, not as to the United States only, but as to all neutral nations. If this be done, gentlemen must be driven from that ground which they have occupied with so much ostentation; for it will be recollected, that the French decree merely withdraws from the United States the operation of the Berlin and Milan decrees, and leaves the decrees themselves in full force against all other neutrals. The Prince Regent, in his declaration of 21st of April, 1812, uses the following language when speaking of the Orders in Council:

"And which His Majesty has at all times professed his readiness to revoke, as soon as the decrees which gave occasion to them should be formally and unconditionally repealed, and the commerce of neutral nations be restored to its accustomed course."

In the same instrument he also says:

"And to give a decisive proof of his Royal Highness's disposition to perform the engagements of His Majesty's Government, by revoking the Orders in Council whenever the French decrees shall be actually and unconditionally repealed, his Royal Highness declares, &c., that if at any time hereafter the Berlin and Milan decrees shall, by some authentic act of the French Government publicly promulgated, be expressly and unconditionally repealed, then and from thenceforth the orders of 7th of January, 1807, and 26th of April, 1809, shall, without any further order, be from thenceforth revoked."

Now, I would ask any legal character to put a construction upon what has been read. Will he not answer, as every man must answer who understands the meaning of English words, that the term repeal imports, *ex vi termini*, a total abrogation of the act to which it refers? It does not mean modification or alteration, but an entire annulling of the act itself, placing everything as it was previous to its passage, saving only the rights which had accrued under it. But, here it appears that the Prince Regent not only requires a repeal, but he requires it also to be unconditional; not limited and partial, but universal in its operation. Can gentlemen longer affect to believe that a modification of the Berlin and Milan decrees would have satisfied the demands of the Prince Regent? Surely they have not read with attention these documents, or have read them without a disposition to understand them correctly. But, sir, why rely upon construction, when we have the interpretation which the enemy himself has put upon his own act? If it shall be shown that no ministerial advocate in Parliament, no Minister of England at home or abroad; no, not even Lord Castlereagh, has ever advanced such a position, then why should gentlemen upon this floor assume this new and extraordinary ground, unless they are resolved to out-Herod Herod, and out-Castlereagh Lord Castlereagh himself?

When Mr. Foster was in this country, he cor-

responded with our Government on this point. He, the Minister of his Sovereign, and sent here to interpret his will; he, who it must be presumed well understood the views of his own Government, demanded, (as I will show from the communications which passed between him and the American Secretary of State,) as a condition of the revocation of the Orders in Council, a total and entire repeal of the French decrees. That Minister, in his letter of the 30th of May, 1812, says:

"America, as the case now stands, has not a pretence for claiming from Great Britain a repeal of her Orders in Council; she must recollect that the British Government never for a moment countenanced the idea that the repeal of those orders could depend upon any partial or conditional repeal of the decrees of France. What she always avowed was, her readiness to rescind her Orders in Council, as soon as France rescinded absolutely and unconditionally her decrees. She could not enter into any engagements without the grossest injustice to her allies, as well as to neutral nations in general; much less could she do so, if any special exception was to be granted by France upon conditions utterly subversive of the most important and indisputable maritime rights of the British Empire."

Here the British Minister plainly lays down the principle upon which the British Government is determined to act. The French decrees are to be rescinded absolutely and unconditionally, by which it appears that England required of us not only that we should cause the decrees of Berlin and Milan to be repealed as to the United States, but as to all the world. Could a more unreasonable requisition be conceived? We had a right to demand of France a modification of her decrees so far as we were affected by them, but no farther—whenever she went so far as to prevent any injury to us by their operation, our claims upon that Government ceased, we having no right to interfere between her and her enemy, except so far as we were interested. But England, not content with this, insists that we shall cause the French Government to open the ports of all neutrals to British commerce, and make the continent of Europe a market for her manufactures. This we had no right to demand of the French Government, and England knew we could not obtain it. In the letter of the 3d of June, 1812, from Mr. Monroe to Mr. Foster, a reference is had not only to the declaration contained in the letter I have just read, but also to the instructions given by Lord Castlereagh to Mr. Foster, which convey the same ideas in stronger terms. It says, "in the letter of May the 30th, which I had the honor to receive from you on the 1st instant, I perceive a difference in a particular passage of it, from a passage on the same subject, in the despatch from Lord Castlereagh to you, which you were so good as to communicate to me entire, as appears from the tenor of the letter to have been intended by your Government." The passage in your letter to which I allude is as follows: "America, as the case now stands," &c., as in the preceding quotation. Mr. Monroe then proceeds:

"According to the tenor of the despatch of Lord

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Castlereagh to you, my recollection is, that in stating the condition on which the Orders in Council were to be repealed, in relation to the United States, it was specified that the decrees of Berlin and Milan must not be repealed singly and specially in relation to the United States, but be repealed also as to all other neutral nations; and that in no less extent of a repeal of the decrees had the British Government ever pledged itself to repeal the Orders in Council. However susceptible the passage in your letter may be, of a construction reconcilable with the import of the despatch from Lord Castlereagh, yet as a similar phraseology of your Government on other occasions has had a construction less extensive, and as it is important in every respect that there should be no misunderstanding or possibility of error, you will excuse me for requesting that you will have the goodness to inform me whether in any circumstance my recollection of the import of this passage in Lord Castlereagh's despatch is inaccurate."

Mr. Foster in no part of his after communications pretends that Mr. Monroe had mistaken the contents of Lord Castlereagh's instructions. Here, then, you have not only the statement of the British Minister to our Government, but the authority under which he acted. In this there can be no mistake, no misapprehension.

On the 10th of June, 1812, Mr. Foster, if possible, becomes more explicit. He then declares to the Secretary of State:

"I have no hesitation in saying that Great Britain, as the case has hitherto stood, never did nor ever could engage, without the grossest injustice to herself and her allies, as well as to other neutral nations, to repeal her orders affecting America alone, leaving them in force against other States, upon condition that France would except, singly and specially, America from the operation of her decrees."

This declaration it would seem had removed every doubt which could possibly exist in relation to the intention of the British Government. But the Executive of the United States, solicitous to avoid the evils of war and to prevent an appeal to the last resort of injured nations, on the 13th day of June, 1812, again addresses the British Minister in the following terms:

"It is satisfactory to find that there has been no misapprehension of the condition without which your Government refuses to repeal the Orders in Council. You admit that, to obtain their repeal in respect to the United States, the repeal of the French decrees must be absolute and unconditional, not as to the United States only, but as to all other neutral nations; not as far as they affect neutral commerce only, but as they operate internally and affect the trade in British manufactures with the enemy of Great Britain. As the Orders in Council have formed a principal cause of the differences which unhappily exist between our countries, a condition of their repeal communicated in any authentic document or manner was entitled to particular attention. And surely none could have so high a claim to it as the letter from Lord Castlereagh to you, submitted by his authority to my view for the express purpose of making that condition, with its other contents, known to this Government."

From this it is evident that the Executive of this country understood the British Minister, as insisting on a total repeal of the French decrees before the Orders in Council would be revoked.

And another fact equally important is manifested by this document, which is, that the British Government had not only a knowledge of the repeal of the Berlin and Milan decrees so far as related to the United States, but communicated that knowledge to their Minister Resident in this country, with a view that he might confer with this Government respecting the terms and conditions contained in it. How then can it be contended, with the least degree of plausibility, that it was the want of evidence of the existence of the decree of the 28th day of April, 1811, which induced the British Government to persist in its Orders in Council? To the letter last mentioned, Mr. Foster on the 14th of June gives an answer which closes the correspondence between the parties. The language is too plain to admit of but one construction. Listen to it and tell me if the most sceptical man can doubt:

"I will now say that I feel entirely authorized to assure you, that if you can at any time produce a full and unconditional repeal of the French decrees, as you have a right to demand it in your character of a neutral nation, and that it be disengaged from any question concerning our maritime rights, we shall be ready to meet you with a revocation of the Orders in Council. Previously to your producing such an instrument, which I am sorry to see you appear to regard as unnecessary, you cannot expect of us to give up our Orders in Council."

The Prince Regent, on the face of the decree which revokes the Orders in Council, shows that the meaning of the British Government was what I have contended for; and although other gentlemen may understand the views of the British Cabinet better than I do, yet I am bound to consider the Prince Regent of England good authority, when speaking of the intentions of his own Government, and to its disadvantage. The French decree, bearing date the 28th of April, 1811, is a full and absolute repeal as it relates to the United States. The language is:

"The Decrees of Berlin and Milan are definitively and to date from 1st November last, considered as not existing in regard to American vessels."

More than thirty days after, a copy of this decree was furnished to the British Government. They repeal the Orders in Council; and upon the face of that repeal, the Prince Regent declares,

"That he cannot consider the tenor of the said instrument as satisfying the conditions set forth in the order of the 21st of April, 1812."

Why was this not a compliance with the declaration of April, 1812? As to the United States it was full and complete. It was because it was not a repeal as it related to all neutral Powers.

Mr. Speaker, I feel humbled and abased that it has become my duty to quote the authority of the Prince Regent and the British Ministers against the Representatives of my own country. I am mortified to hear doctrines advanced here in behalf of the British Cabinet which the British Ministers never avowed, and which they would not avow were they present and entitled to be heard on this floor. Sir, they would not dare to do so—their own words would confound

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them. I do hope, sir, that gentlemen who are still determined to persist in opposition, will take some other ground on which to rely; for it surely adds nothing to the honor of this country or to their individual credit to advance and advocate doctrines which the British Ministry would be ashamed to own.

Sir, unless I am altogether mistaken in the meaning of the plainest terms—unless the English language is entirely unintelligible to me—the point is sufficiently established, that the British Government would not have revoked the Orders in Council, had a copy of the French decree, modifying the Berlin and Milan decrees, been presented to them; and the gentlemen on the other side of the House must be constrained to abandon the ground they have relied on; and here this debate might close. For, although the French decree is made the pretext for the repeal of the Orders in Council, every man acquainted with the political state of the two countries must be satisfied that it was the suffering condition of the British manufacturers, united with the apprehension of an American war, which produced that change in British policy which did take place.

Remarks have fallen from gentlemen which merit a reply. An honorable member from New York (Mr. OAKLEY) has told you, sir, that we have charged upon the Opposition all the calamities and disasters of the war. I am one of the accusers, but I do not raise the accusation against those who voted against the war upon this floor, nor against any who express their opinions against it elsewhere. I know there are many in the opposition who are governed by honest motives, who oppose the war from an honest conviction, and whose opposition is confined within reasonable and Constitutional bounds. Whom then do I accuse? I accuse him, sir, who professes himself to be the friend of this country and enjoys its protection, yet proves himself by his actions to be the friend of its enemy. I accuse him who sets himself to work systematically to weaken the arm of this Government by destroying its credit and damping the ardor of its citizens; I accuse him who has used his exertions to defeat the loan and to prevent the young men of the country from going forth to fight their country's battles; I accuse him who announces with joy the disasters of our arms, and sickens into melancholy when he hears of our success; such men I cannot consider friends to this nation.

Sir, I speak in plain language, because I am speaking the language of truth in the cause of my country. I ask, how is this war to be carried on and how are we to gain an advantage over the enemy? Money has justly been called *the sine qua non of war*; without money men cannot be raised, and without men battles cannot be gained—yet battles must be fought and gained, before a peace, safe, honorable, and durable, can be obtained for this nation. Is not that man then subverting the interest of the enemy, who, to the extent of his power, keeps money from our coffers and men from our armies? And what, sir, is the greatest crime known to our Constitution and our laws? If a

citizen goes over to the enemy and arms in his behalf, he is guilty of treason. The overt act is consummated, and the wickedness of his heart is demonstrated. Should the same citizen remain amongst us, and employ himself in aiding the enemy, by paralyzing the national energies, is not the turpitude of his conduct and his moral guilt equally great? Does he not serve the enemy as effectually? Nay, more; suppose he shall succeed in preventing ten men from joining the Army, has he not rendered the enemy much more service than if he had actually joined the ranks of the enemy and raised the sword in his favor? To my mind, it is impossible to draw a line of distinction between adding to the strength of the enemy and taking from the strength of his own country. In both cases he is working the ruin of his country, so far as that result depends on his exertions—and the only difference to himself is, that in one case he forfeits his life for his crime, in the other he lives an object of public execration and loaded with the abhorrence of all good men.

While upon the subject of the war and the conduct of Opposition, suffer me, Mr. Speaker, to devote another moment to the almost incomprehensible part which they are seen to act. They call themselves the *friends of peace*, yet what step do they take to procure it for their country? Now that the war rages upon the frontiers, peace can only be obtained by expelling the enemy from our borders, or by negotiating with him. Which method does the Opposition prefer? It cannot be the former, because they withhold from the Government, so far as they can do so, all the means of effecting it. Is it the latter? Then why not come out with a candid declaration in favor of the Russian mediation—why not rejoice that an extraordinary mission is despatched to St. Petersburg? And yet upon this subject an impenetrable silence has been preserved; no sentence of approbation has escaped their lips; from them we have not heard the Emperor of Russia applauded for his friendly disposition manifested towards this country, by interposing his kind offices between the two nations. Sir, an eternal cry of peace, peace, peace! is kept up, while, at the same time, objection after objection, difficulty after difficulty, obstacle after obstacle, is thrown in the way of the Government, in every attempt made to bring the war to a speedy termination. Every attempt to negotiate is treated with ridicule, and every means of carrying on the war successfully is withheld, so far as they can effect it—and these are the friends of peace. Can gentlemen believe that the American people are to be deceived and imposed on by professions which are daily contradicted by actions? What does this extraordinary conduct mean? For something must be meant when even a system of contradiction is persisted in with so much pertinacity and zeal. Will gentlemen compel me to say, that self-aggrandizement is the object and aim of many who practise this conduct? That war, protracted and disastrous, lingering and ruinous, is the secret wish of no small portion of the lead-

ers of that party which cries so loudly for peace; war which shall involve in ruin the Administration that declared it, and which shall bring into power the men who were put down by the people twelve or thirteen years ago.

Sir, I felt some astonishment to hear the member from New York, (Mr. GROSVENOR,) who had no seat in this House when war was declared, who was not even in this city at that time, state with so much confidence in what events the war would or would not have taken place. If the public documents are referred to it will be seen, that the impressment of our seamen was considered as a principal cause of the war. In the Executive Messages of that session, in the Reports of the Committee of Foreign Relations, it will be seen that the language of freemen was employed, the liberty of the citizen being deemed more valuable and precious than his property. I was one of those who voted for the war, and ought to be presumed to know something of the opinions and sentiments which prevailed at that time, and yet I feel no hesitation in saying, that no man can pronounce what would have been the course pursued, had the Orders in Council been revoked. I have heard many members say they would have voted for the war had the Orders in Council been previously abandoned—I have heard others say they would not; and yet the gentleman from New York (Mr. GROSVENOR) affects to speak with great confidence and precision on this subject. There are two reasons why this honorable gentleman should have been less confident in his assertions. In the first place he was not present when the war was declared; in the second, he belonged to the Opposition, and would not, on that account, have been so freely communicated with by those who supported it.

Sir, I wish gentlemen clearly and distinctly to answer me this question—Will they give up the principle of impressment? Will they suffer the petty officers of the British Navy to seize at their pleasure American citizens, force them into a foreign service, and compel them with stripes to fight the battles of the enemy, even against that country which gave them birth? If so, let it be known to the people—let it be proclaimed to this nation of freemen—and let the line of distinction be drawn between those who will and those who will not submit to this tyranny of “the mistress of the seas.” Gentlemen have indeed said that they will not fight for the question of impressment. But will they surrender it? Will they yield this point to the King of Great Britain? Will they say that the slaves of George the Third have a right to seize and drive into captivity the freemen of the American States? I demand an answer—yea or nay. There is no difficulty in understanding the question. The gentleman from New York, (Mr. GROSVENOR,) in adverting to the correspondence between Mr. Monroe and Mr. Foster, affects great difficulty in understanding its meaning. I cannot see wherein this difficulty lies—the language is plain, void of ambiguity, conveying distinct ideas, in clear and unequivocal expressions. The same gentleman has the modesty to tell you

that Mr. Monroe and Mr. Foster did not understand the meaning of the words *actually* and *unconditionally*. What, sir! your Secretary of State, who has visited, in the character of an American Minister, nearly half the Courts of Europe—he whose literary acquirements have done honor to this nation, not understand the meaning of the common English words *actually* and *unconditionally*? Mr. Foster, too, the accredited Minister of the “fast-anchored Isle,” sent by the British Government upwards of three thousand miles to negotiate upon delicate and difficult points, is charged with the like ignorance. Sir, the gentleman who introduced these resolutions, (Mr. WEBSTER,) if he has ever read his namesake’s spelling-book, (and no doubt he has,) can readily expound them. Even a schoolboy can tell you their meaning. I feel no great solicitude or tenderness about the reputation of the late British Minister, but surely he ought not to be subject to this imputation.

In one idea advanced by the Opposition, I perfectly concur: if the Executive had received a copy of the French decree previous to the declaration of war, and had withheld it from the British Minister, I should say he deserved the execration of his country. The honorable gentleman who has manifested such critical skill in language might have drawn its character in terms of blackest import, and I would subscribe to it; but I know, with moral certainty, that the answer of the President will dissipate every idea of that kind—it will show, that, in the whole of this transaction, he has conducted with fairness and uprightness, and from a desire to prevent a conflict between this and any other nation. Yes, sir, he has acted in obedience to honorable feelings, to which many who implicate him are entire strangers.

It is said, that formerly, when Mr. Jackson insulted this Government, there was great solicitude manifested to resent it. Sir, who manifested on that occasion a disposition to maintain the honor and dignity of this nation? I answer, this side of the House. At the same time, who palliated, who excused, who apologized for that greatest of outrages? and who attempted, finally, to justify it? Why, sir, the political associates of these very men who have just taken the honor of this Administration into their keeping.

The gentleman from New York (Mr. GROSVENOR) says, that a suspicion prevails among many of both parties in this country, that French influence has found its way into our councils. I do believe, that among the prevailing party, the great majority of the nation, there are none who suspect it. In the Opposition, I am satisfied there are a few who have been so far misled as to entertain such a suspicion: but many are they who speak of French influence, and do not believe it exists; they use it to alarm and deceive others. But is it not strange that the very party which has labored to excite this suspicion should now become so clamorous to put it down?

Having answered all the observations of others which are deemed material, I will make a few in-

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quiries of the honorable mover of these resolutions (Mr. WEBSTER) He certainly best knows the objects intended, and I pray him to answer for himself, and not by proxy. Is it his object to make it appear that the Duke of Bassano has been guilty of falsehood? If that shall turn out to be the case, what then? Will he make it a ground of going to war against France? Great, indeed, are the insults and injuries which we have received from the French Government, and much noise has the Opposition made respecting them; but, sir, when my friend from Kentucky (Mr. McKEE) offered a proposition to declare war against France, did the gentlemen on the other side of this House vote for it? To the best of my recollection, three of them voted for the measure—a majority of votes in favor of the proposition were given by this side of the House. He will not, I apprehend, say that he will go to war with France on this account. Is it intended to predicate any legislative act on the information which may be received from the Executive? I can conceive of no legislative act which can grow out of it. What, then, do gentlemen mean? What can be the object of these resolutions? To make it appear that France has acted with bad faith, and yet neither go to war nor pass any legislative act in consequence of it? I can see but one thing which gentlemen can promise themselves to follow from this course of proceeding. They may hope by this to throw new difficulties in the way of the Administration, to draw off the attention of the people from the prosecution of the war, paralyze the national energies, and multiply the chances of getting new men into power. If this be the object, the gentleman may please himself with the idea of having labored for the good of his country; but sure I am that the country can derive no benefit from such a course, however great his labors may be.

To show what has been done by an American Congress, how men have ceased their opposition, when the good of the country required it, I know full well, sir, would avail but little. But on this occasion, we may profit from the conduct of the enemy: he has set an example well worthy of imitation. Although in the British Parliament many were opposed to a war with America and all those measures which produced it, yet when war had broken out they threw no obstacle in the way of its success; they voted the necessary supplies, they joined in the resolution to carry it on with vigor—for they recollected that England was their country and America its enemy. If such has been the conduct of an English opposition, what ought to be the conduct of American Representatives? If the slaves of a despot feel the impulse of patriotism, and act in obedience to its mandates, how much more should it be the case in this land of liberty, where the interest of each individual is intimately connected with the welfare of the Government, and where every citizen is his own master!

Mr. SHIPHERD addressed the Chair as follows:

Mr. Speaker, after the very able manner in which the subject under consideration has been

discussed, by my honorable friends on this side of the House, I cannot hope to do more than glean the trifles which they have left me.

The honorable gentlemen on my left are opposed to the resolutions before the House; and in order the more effectually to combat them, have introduced topics of discussion wholly extrinsic and foreign from the proper subject of debate. Sir, in my opinion, they have lost sight of the question, and unnecessarily drawn into dispute what they call the merits of the war, and the demerits of one of the great political parties of this country.

Why, sir, all this zealous opposition to the adoption of these resolutions? Do they fear that a disclosure of the truth may injure the reputation or feelings of the President? Do they fear, if the veil should be rent asunder, which has so long concealed this dark and mysterious transaction, that it would appear to us, the American people, and the world, that the Executive had been a *traitor* to the dearest interests of that people, whose mistaken partiality had invested him with the honorable badges of exalted office? If they do, sir, I pity their timidity, and blush for them; but I hope they have no such fears. I sincerely hope the Chief Magistrate of this great and once honorable nation, has not sunk to such an abominable depth of corruption, as to conceal a public document of such importance as the decree of revocation of the 28th of April, 1811. A document, had it been timely promulgated, would have promised to hush the bickerings and contentions between us and Great Britain, to prevent a bloody war, to have enlivened and invigorated our fainting commerce, and restored our long lost prosperity.

It really appears to me, sir, that the gentlemen pay your President a very ill compliment in opposing the resolutions; for, should they succeed in that opposition, some might say that he and his friends dreaded the unmaiming truth; that they feared to see it stripped naked.

Sir, I submit to the House, to the gentlemen themselves, upon reflection, the question, if there would not be good cause of suspicion, that there had been an improper concealment of this paper, should the resolutions be voted down?

I have ever entertained some vulgar notions, that a frank and prompt disclosure of that which was proper to be disclosed, was a sort of presumptive evidence of integrity. And that an honest man would not wait to have the truth drawn from him as from the felon under examination, but would volunteer what a moral and political obligation required him to make public. I have supposed a certain kind of mysterious shrinking from the light, in public officers, in relation to official conduct; a rolling up in shade and secrecy transactions which the public wishes loudly demanded to be explained, was no very fair earnest of future good faith and honest dealing; or any very satisfactory proof that what had been done must necessarily be agreeable to the public sense of what ought to have been done. I have supposed, sir, that the honest and faith-

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ful steward would rather court than shun an inquiry into his stewardship; and, fortified with conscious integrity, would, at all times, be ready to exhibit his accounts, and prove himself trustworthy; and more especially, when suspicion had hovered over him and perched upon him. I should really think he would be unwilling to slumber away, year after year, with such a bird of prey devouring his reputation, but that he would instantly arouse himself, and with manly and heroic dignity drive her from her perch.

Sir, when the resolution of 1793, which has been read to the Committee, was under consideration, the Federal members of Congress, who were then a majority, felt no such fastidious delicacy for the character or dignity of the Great Washington; no prudery then was betrayed; no alarm, lest the then President should feel himself insulted; but the Federalists, to a man, voted for the adoption of the resolution. That resolution was drawn by a very great and ingenious man; it bespeaks the skill of its author; and it is too evident to be doubted, that one object, at least, of the resolution, was to forward the interest of the Democratic party. For that reason it is drawn with all the minuteness of interrogatory, of which so great a legislator and politician was capable; and yet the resolution was promptly adopted, and as promptly answered.

It has been supposed, by some honorable gentlemen over the way, that really the official dignity of the President is assailed by the resolutions before us; I wish some of the gentlemen had condescended to show in what respect. If there has been any attempt to prove that the resolutions, or any of them, contain any such mischievous quality, I have not been fortunate enough to hear; or if to hear, to understand the force of the reasoning. For, so far from hearing any argument to support the position, I do not know that any gentleman has even attempted it. As I understand it, the whole consists in the naked assertion that the fact is so. Could I be convinced that the gentlemen are correct, I would join them and vote down the resolutions at once. Sir, I beg leave here to enter my protest against that base, servile, anti-republican creed, which places any officer of our Government in that infallible and irresponsible station which will shut the doors of inquiry against the legislators of the people. We have a right to demand of the President information on subjects which are interesting to our constituents. That this demand should be made in respectful terms I admit; but in vain is it said, that the President is too high to be inquired of, and particularly inquired of, in relation to those things which concern his duty, and the public interests.

The honorable gentlemen do not deny this in positive terms; but if they do not mean to deny it, it is difficult to understand that they mean any thing. Sir, what do the resolutions require? That the Executive should inform us what has been done, by whom, and in what manner; and they also require, if a certain state of things exists, that he shall inform us whether the French Gov-

ernment have explained this mysterious affair; or whether he, the President, has ever demanded that explanation.

The resolutions indicate our belief that there is guilt somewhere, and they require that he should inform us who is the culprit. If these can with reason offend that great officer, blot them out of existence, that they may offend no more. However, if gentlemen will insist that the resolutions will be offensive to the President, I am constrained to say, they never can offend an honest man.

Sir, the gentleman from South Carolina (Mr. CALHOUN) has admitted that there is guilt somewhere; either that the decree of 28th April, 1811, was concealed in the French Cabinet, or by our President, or that it was antedated.

Now, sir, whether the one or the other of the positions be true, no gentleman will venture to assert, is immaterial. I fear no contradiction when I make the assertion; for such a contradiction would be of so rare a nature that few, if any, gentlemen will be ambitious first to introduce it. It would be saying, at least, that it is a matter of indifference to the American people, whether their Chief Magistrate has been dabbling in the pollutions of French policy and French intrigue. Whether he has been ignorant of, or criminally concealed, a document, which, if it had been disclosed would have saved him from suspicion, and the nation from the horrors of war.

It would be saying, sir, that we have no interest in knowing whether Mr. Russell, our late Chargé d'Affaires in France, performed his diplomatic duty with integrity or not: whether he sold his country for Imperial smiles, or guarded her interests with scrupulous vigilance.

It would be saying that it was a matter of indifference to us whether France was acting with good faith in her correspondence with our Government, or whether we were made the dupe of imposture. Sir, if it would be correct to say all these things, then I admit that the resolutions are idle, and we are spending our time in vain; but if they are not correct, then it must create some surprise, that gentlemen who love their country with such amazing and exclusive warmth of affection, who discover so much zeal for her honor, should oppose with a spirit bordering on frenzy, measures, which it must be seen are calculated to favor her best interests, and heal her wounded honor.

Sir, I consider it a duty we owe Mr. Russell, the Executive, and the nation, diligently to inquire into this matter, and, if possible, to fix the guilt and odium upon the right man.

If Mr. Russell is innocent let him be put to the test, and acquitted before the world. If the President is innocent, it would be the height of injustice to him not to give him an opportunity to brush off the suspicions that have gathered upon him. If either or both of these gentlemen are guilty, we wrong our country if we do not awake from its slumbers this monster of sin. If the Emperor of France is guilty, (and really I can never suppose him otherwise,) it becomes highly interesting that the world should know the fact;

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that they should know how much confidence is to be reposed in the Imperial decrees of our *loving friend*, this cut-throat Emperor.

Will the gentleman say there is no cause of suspicion against the President? Sir, I cannot divest myself of a belief that all is not right in the Cabinet in relation to this affair. And I have been led to believe this, from a variety of suspicious circumstances which have been thickening and gathering upon my mind since the proclamation of the President of November 2, 1810, which emphatically declared that the decrees of Berlin and Milan were repealed.

Was this proclamation true? No, sir, it was false, and from the date of that proclamation, until the promulgation of the long-slumbering, repealing decree, purporting to bear date April 23, 1811, the French Emperor particularly charged upon the President this falsehood. He, the Emperor, after the date of that proclamation, and after he must have known of it, declared his decrees of Berlin and Milan to be a part of the laws of his Empire. Not only so, but the ocean from time to time was illuminated with the conflagration of our vessels, burned avowedly by the authority of the Emperor, and in pursuance of those decrees which our prophetic Chief Magistrate had declared to be repealed. Never was falsehood more evident! Mathematics cannot produce more certain demonstration.

Sir, I do not mean here to charge upon the President wilful and corrupt falsehood; but the least that can be said is, that he had been cheated, he was too proud to acknowledge it, and too much ensnared in the toils of his mighty friend to demand satisfaction.

Has this strange conduct ever been explained? No. Has any explanation ever been demanded? No. Has ever a murmur escaped the lips of the President? If it has the nation is ignorant of it. It is a melancholy truth, that while he was roaring at the British Government like a lion, he was cooing over the French with the gentleness of the dove.

From France he could be told that the American Government was "without honor," &c., and receive it with the utmost meekness; when from England a single sentence, (and which by the by no person could ever find,) a little sharply composed, set the whole Cabinet in a rage. Sir, I appeal to the good sense of mankind to judge if there is not abundant evidence to convince every unprejudiced mind, that equal measure has not been meted to the two belligerent nations.

If our Executive had drunken of the cup of Gallic pollutions—had become intoxicated with the *Circean* draught, an inducement might be found for the concealment of this repealing decree. For it is a well-known truth that the Emperor had fixed his heart upon an anticipated war between this country and England; so much so, that in the ravings of his frenzy and madness, he declared it for us. If, then, our Administration possessed the inclinations which have been imputed to them, what could be more natural than to conceal a paper which, if promulga-

ted, would have taken away every pretext for war. A paper, made and laid up, with the same laudable motives that fraudulent deeds are made and laid up, to be used on any emergency which might require their production.

Sir, I will not charge any misconduct upon our Administration without proof. I do not here mean to charge them with anything artfully committed; but I do mean to be understood that the facts before the American people are strong evidence upon my mind, and I believe upon the minds of thousands, that there is much in our intercourse with France, which decisively demands of the Executive prompt and unambiguous explanation—that the honor of the nation, and the honor of the President, loudly demand it. I do mean to say that, unless this explanation is given, we have a right, indeed it is our duty, to withdraw our confidence from all concerned in the transactions. How, sir, can gentlemen hang their confidence upon the integrity of the Executive, if ultimately no reason shall be given for transactions which are irresistible presumptions to the candid mind, that the dearest interests of our country have been made subservient to the base intrigues, the ambition and malignant passions, of the greatest monster of depravity that ever waded to a throne through blood?

Sir, the President has been charged with falsehood by the Emperor of France; he or his Ministers have been charged with secreting—wickedly secreting—a very important document, in the disclosure of which the people of this country were deeply concerned; and if he has done so, the gentleman from Tennessee (Mr. GRUNDY) admits "he ought to be held up to the execration of mankind," and yet say some gentlemen, it is a matter of total indifference to us to know whether these charges are true or false.

For one, I never can be reconciled to consider it as a matter of indifference; and I entreat gentlemen to give the President and Mr. Russell an opportunity to deny this foul charge, and, so denied, the nation must and will believe them.

Let them deny it, and brand the infamous falsehood upon the Duke of Bassano. And I do not hesitate to say, if the President and Mr. Russell will disavow the truth of the statement of that Duke to our Minister, Mr. Barlow, they will be believed; for one, I would believe them, in preference to all the mushroom Dukes and Emperors that have grown into power in that Government, whose least vices are falsehood, imposition, and fraud.

Thus, sir, I have shown the absolute necessity of a speedy, a clear, and unequivocal disclosure of everything in relation to this business, as far as the knowledge of the Executive may extend. I shall now proceed to make some remarks in answer to the gentlemen on my left. Few must be those remarks, for I already feel my strength yielding to the intense heat of this hall.

The honorable gentleman from Tennessee, who has just sat down, (Mr. GRUNDY,) stated in substance, if I understood him correctly, "that there

was a party in this country, who neglected to aid the Administration in the prosecution of the war; and who had placed impediments in their way; who had refused to lend their money; that such men were guilty of moral treason; and that such conduct was as criminal, in a moral point of view, as to raise one's hand against the Government."

The gentleman declared that he did not mean any gentleman on this floor. For his courtesy in this respect, I thank him. But while I do so, I must inform that gentleman, that he will not be obliged to go far for traitors, if his definition of treason is correct.

I do not hesitate to acknowledge myself one of those persons, who, from the beginning until this time, have thought the war to be of a description in which I could not conscientiously engage, and that it was my duty to withhold from the Administration all voluntary assistance. I do acknowledge, sir, that I did believe the war to be declared in opposition to the dictates of common prudence, wisdom, humanity, policy, and religion; and I do acknowledge that I still continue of the same of opinion; I do sincerely believe, that it is a war inexpedient, and ruinous in its consequences; and to shed the blood of our peaceable, unoffending Canadian neighbors, in such a war, notwithstanding the legislative drapery in which it has been dressed, is, to adopt the honorable gentleman's own emphatical phraseology, in those who think as I do, moral murder. In me, sir, it would certainly be such. Therefore, to brand every man with the odious name of traitor, who withholds his hands from being crimsoned with human blood—every man who will not declare his approbation of the course of an Administration, who, with their mad projects, threaten to mark with ruin a country once prosperous and happy, is both unjust and cruel. But, I value the approving whispers of my own conscience, and the consoling reflection that I have obeyed the commands of Him, who has said, "Thou shalt not kill," far above the commendation of that honorable gentleman, and a world full of others, who may think as he does.

The gentleman (Mr. GRUNDY) does not seem to distinguish, with very great accuracy, between moral and legal obligations; those imposed by conscience, and those by law.

In the first case, we are left free to determine for ourselves; in the latter, we have no will.

In the former, I will obey the dictates of my judgment, my moral senses, and act as they decide; in the latter, I yield, I obey. Ask me to shed blood, or to lend my money as a price for it, and I refuse; demand of me a tax to support your war, and I will pay without hesitation. In the former case, I am left free, and, sir, in spite of anathemas that issue from the lips or pens of the friends of this war, I shall avail myself of that freedom, to withhold every possible aid from a war wicked and foolish in its commencement, and unwisely protracted. In the latter case, I bow to the Constitutional claims of my country,

however indiscreetly that Constitutional power may have been exercised.

If I and my party are traitors, we are so Constitutionally, and not only Constitutionally, but we are traitors in obeying the commands of God and the precepts of Christianity. Strange morality—strange treason! Whatever afflictions I may be called to suffer in this world, I pray Heaven I never may be cursed by a union to a party who are governed by such a set of principles as these.

But, who are the men, that the honorable gentleman would call moral traitors? They are the sons of those fathers who first planted the tree of liberty in the American soil. They are the brave men, who, while contending for independence, braved the contest by the side of WASHINGTON. The men of the Eastern and Northern States. The very men whom WASHINGTON honored, and WASHINGTON loved, are in this enlightened age branded with the odious names of traitors and Tories. I do not wish to make distinctions among the States; it is unnecessary for my argument, and unpleasant; but I am warranted in saying, if these which are the friends of the present war bravely resisted British opposition, they did no more than those who are in principle opposed to the war. And, sir, I will say, that the principles which are embraced by the party so long and so cruelly slandered, are the same pure, sound, orthodox Whig principles which so much distinguished the patriots of Seventy-Six. And, sir, should these men, like their fathers, ever be called to defend their liberties against an enemy, from whatever part of the world it may come, that enemy will learn by experience, that the sons, as well as their sires, are neither to be awed by threats nor subdued by force. That "liberty or death" is the Eastern motto; and to erase that motto belongs not to their slanderers, wherever they may live.

Sir, having disposed of the gentleman's moral treason, let us inquire from whence has the money come, which has been loaned to the Government, to carry on this war? Will the gentleman venture to say, that it has been exclusively drawn from the pockets of men of his own party?

Will he deny that the Federalists own the principal part of the stock of the two last loans? I refer the honorable gentleman to the books, and I think he will be satisfied, that his own patriotic friends have not furnished the Government with all the money that has been loaned for this war; but that Federalists, have furnished, to say the least, the greatest part of it. If the honorable gentleman should search, it seems to me, he will find a most treasonable blank near the name of his own loyal State; for, if my recollection does not much deceive me, the Government have been fed with empty professions, instead of the more solid and useful tokens of affection, from a certain Western section of the Union.

Sir, in making this statement, I wish to be distinctly understood, as bestowing no commendation upon Federalists, who have labored in this Governmental shaving-mill. I consider that they have acted incorrectly; at war with their own

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principles. For it cannot, nor need not, be dissembled that the Federalists are universally opposed to the war; they deem it an unjustifiable and ruinous one, that it has been hatched in the fermented hot-bed of party prejudice. The man, therefore, who holds such language and entertains such opinions, and will, to gratify his avarice, lend his money to promote an object which he condemns as unwarranted, is guilty, in my opinion, of a censurable inconsistency; and should he lose that money, so unworthily loaned, it ought not, and, in me, it would not, excite any uneasiness on account of his loss.

Sir, it has been said by the gentleman (Mr. GRUNDY) "if the repealing decree had been disclosed at its date, it would not have prevented the war, even if the Orders in Council had been repealed." And he seemed to be surprised at the temerity of my honorable colleague, (Mr. GROSVENOR,) who asserted to the contrary: "Especially, as my honorable colleague and his party were wholly ignorant of the secret views of the Administration, while the gentleman (Mr. GRUNDY) and his party were admitted to a participation of those views."

In the first place, I feel no disposition to deny that the honorable gentleman (Mr. GRUNDY) and his political friends are favored with the smiles and secret opinions of His Majesty, the President; and that they are honored with a familiar intercourse with that Nestor, the Vice President; and that the whole Executive Cabinet is open to them. And, sir, I have no inclination to deny what I am confident is true—that the whole Federal party are shut out from those gracious privileges.

And, sir, there is another truth that I have no disposition to deny, which is, that that republican Government is in jeopardy, tottering to its fall, whose Chief Magistrate has official secrets for one, and not for the other part of its Legislators. And, sir, I loathe and detest those midnight consultations and intrigues which are to favor the interests and resentments of one part of the nation at the expense of the happiness and interests of the other.

If gentlemen wish to know what induces me to believe that the war would not have been declared, if the repealing decree had been timely promulged, (and I presume the same reason induced my honorable colleague to think so,) I can very readily inform them. Had this decree been communicated to the British Government in time, that Government would have repealed the Orders in Council. Gentlemen may talk as much as they please of the declarations of the Prince Regent, the inference from what has been done is irresistible, upon every unprejudiced mind, to prove what would have been done. Sir, no truth is more certain than that those orders were repealed after the receipt of the repealing decree with as much promptness as the state of the British Cabinet would permit. And they verified, by a ready example, all their professions of a disposition to maintain a good understanding between their Government and the United States.

In vain, then, do gentlemen tell us of the length of time which elapsed between the communication of the repealing decree and the repealing of the Orders in Council; no honest, sensible man, will venture to deny that, in this instance, the British Cabinet acted with good faith, and with a sincere desire to maintain peace between the two countries.

The conclusion from these premises can be only one, and that is, that had the repealing decree been, as it ought to have been, disclosed seasonably to the British Cabinet, their Orders in Council would have been repealed; and we now should, instead of suffering the curses of this abominable war, have been enjoying the blessings of peace.

Sir, the gentleman from South Carolina (Mr. CALHOUN) asserted, that "if the Orders in Council had been repealed, yet we should have had war. The impressment of our seamen was a sufficient cause, and for that would they have declared it." Now, sir, much as I respect that gentleman's talents and integrity, in this instance I must believe he is mistaken. For I will not believe that the Administration would have been given up to such fatal infatuation, such a bewildering, deadly *mania*, that they would have been so incurably mad as to have plunged this nation into a war on a point, in principle, the most inconsiderable in controversy, without making one more effort, at least, to an amicable adjustment of differences.

I could not believe, if the melancholy fact was not in my view, that we should have been hurried into this war without preparation, and, of course, to loiter away month after month, without being able to commence any efficient operations.

Sir, I did believe that a candid, prudent ruler of the nation, that a wise Legislature, who regarded their country's happiness, would have paused before they made a desperate, frantic plunge into an abyss from which it might require an age to be retrieved. I did suppose that our Administration would have stopped and cooled before they emptied a whole vial of wrath upon our heads. And I still must believe, if the Orders in Council had been repealed before the declaration of war, the Government would not have declared it, for a mere principle in theory, which unquestionably might have been accommodated upon fair and equitable grounds. But, sir, if the honorable gentleman (Mr. CALHOUN) is right, we are mistaken; if so, we err in judging too favorably of the Administration, both of head and heart; we err in supposing that they were wise enough to shun the precipice down which they have fallen, and sufficiently honest and prudent not to barter away the interest, the wealth, the peace, the blood, and independence of this once great and highly favored nation, for a toy—a butterfly.

In this respect, and for this cause, we have erred, and are entitled to forgiveness. If we have thought more favorably of those who declared the war than the gentlemen are willing to admit

they deserve, we will yield to their superior knowledge of the subject, and confess ourselves wrong.

One thing, sir, I ought to say: if the dictates of common sense, and the experience of mankind, will not enable us to judge what course the Administration would have steered, the consequences of the war show most conclusively what course they ought to have steered. For, what but defeat and disgrace have we experienced in all our attempts to conquer the Canadas? Except the little advantages we have recently gained, the war has been one continued series of abortive attempts at victory; and, before this honorable House and my country, I venture to prophesy, that for even these successes, we shall be compelled to pay, with severe interest. Depend upon it, sir, with such an army, visited with the dreadful retributions which sooner or later blast and wither that Government which dares to mock Omnipotence by violating the laws of God, and trampling under foot humanity, I say, sir, with such an army, enfeebled with sickness, and with a spirit broken, ambition quenched by poverty and nakedness; cudgelled and abused by the beardless, upstart subalterns, whose nod the soldier must obey; and with such a man at the head of that army, the idea of reducing the Canadas is as romantic as the conquest of giants was in the hero of *La Mancha*.

Mr. GASTON said, that when he entered the House that morning, he had no expectation of taking a part in this debate. He was perfectly conscious of the disadvantages under which he must appear, in attempting, without the benefit of previous reflection, an examination of the argument contained in the extraordinary harangue of the gentleman from Tennessee; an harangue evidently studied and elaborate. But as the question had been called for; as no other gentleman seemed disposed to occupy the floor; and as part of that argument demanded notice, he felt it his duty to claim the attention of the Chair for a few minutes. However unequal the contest, yet in the cause of truth, and of the best interests of his country, he could not hesitate to engage in it. Provided those were advanced, he was little solicitous as to the light in which he might appear.

The gentleman had occupied no inconsiderable portion of the time of the House, with invectives against those who had discouraged loans and enlistments. To the part of the country, said Mr. G., which I have the honor to represent, such invectives are without the possibility of application. With us loans and enlistments have been considered as acts purely voluntary, in which every individual has been left free to pursue his inclinations. Indeed, in these days of distress, few of us have been able to lend, and the temptations to enlistment have not been strong enough to carry off many beside those whom all are willing to part with.

The gentleman has also indulged himself in insinuations, where more seemed meant than met the ear, of a disposition to take the part of Great Britain, and of prepossessions in favor of the ene-

my. These, he has indeed said, were not designed to apply to any gentleman occupying a seat on this floor. My experience, sir, has been too limited to enable me to ascertain whether I owe this exemption to the gentleman's sense of justice, or whether I am to consider it as a mere form of parliamentary decorum. In this state of doubt, as to the precise meaning of the gentleman, I will content myself with saying, that any charge of partiality to the cause of the enemy, as contrasted with that of my country, so far as regards me, would be utterly untrue. The bare supposition of it is intolerable. It will not be deemed egotism, I trust, to add, that baptized an American in the blood of a martyred father; bound to my native land by every moral and natural tie that can fasten on the heart of man; with not one motive of interest, of passion, or prejudice, to seduce the loyalty of my affections; never can I separate myself from the cause of my country, however that cause may have been betrayed by those to whose care it was confided.

Without commenting on the delicacy of the course which the gentleman has in this respect pursued, its art and address are sufficiently obvious. It reminds me of the mode of escape which naturalists inform us is observed by the cuttle fish in time of peril. When his adversary is fast gaining upon him, and destruction seems inevitable, he muddies the water through which he glides, and finds safety in confusion. Thus it is with the gentleman from Tennessee. He would escape from this discussion; he would elude the inquiry, how far we owe this war to French imposition, by raising a tumult about British predictions and British arguments. But the stratagem cannot take. No gentleman will suffer himself to be diverted from the investigation which these resolutions fairly suggest; and such inquiry, deliberately pursued, must terminate in the discovery of the necessary, though melancholy truth.

Mr. G. remarked, that whatever might be the issue of the resolutions, he cordially congratulated the nation that they had been introduced. It was due to the national honor, always involved in the honor of the national agents—and it was due to the best interests of the country, that the mystery which enveloped this subject should be dissipated.

A formal authentic decree of the Government of France, bearing date the 28th of April, 1811, and purporting to be an absolute retraction of the Berlin and Milan decrees, was exhibited by that Government to our representative Mr. Barlow in May, 1812. On his expressing surprise at the decree, and its ancient date, the French Minister assured him that this decree had been communicated to his predecessor, Mr. Russell, and had been sent on to the French Ambassador at Washington, with orders to lay it before the President. This information from Mr. Barlow was given to this House at the close of its last session, in consequence of a call on the President for intelligence about our relations with France; and it came without any explanation, comment, or denial. On all hands it must be admitted, that a shameful fraud has been

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somewhere perpetrated. The reputation of the nation demanded that this fraud should be placed to the account of those who had committed it. Upon this imposture he, in his conscience, believed the war had turned. Nothing can be more important to the future safety of the people, than to learn how and whence this calamity had befallen them. Mr. G. declared himself, also, highly gratified with the liberal and manly course which had been pursued by the mover of these resolutions, and his honorable associates. The resolutions had not been introduced at an early day after the session, because of the wish that an opportunity would be taken or made, by the Administration or its friends, to give the desired intelligence without a call from this side of the House. It was notorious that the public voice demanded a communication. A general curiosity pervaded the country to learn how it was that this decree of 28th April, 1811, had remained unknown here until after the declaration of war, and unknown in England until it was too late, by a repeal of the Orders in Council, to prevent a war. The public sensibility was alive in requiring full assurance that the charge of the fraudulent concealment of this decree—a charge which the French Minister of Foreign Affairs had advanced against our Government and its agents, was not true. Under these circumstances it had been hoped that the task of seeking this information would not be thrown on those who, although they would yield to none in regard for the honor of the nation, or for the honor of its Government, as such could not be presumed to feel a very intense interest in the personal reputation of those who administered its affairs. Mr. G. declared, that for one he had indulged this hope, and had openly expressed it to gentlemen attached to the Administration. It was not until time had shown that nothing would be done from that quarter, that the resolutions in question were presented. The same liberal motives which had delayed their introduction, governed in the course which had been afterwards pursued. Day after day was given before the motion was called up, that all who doubted might examine into its propriety. And when the attention of the House was at length claimed to this subject, all discussion was purposely forborne on the part of the mover and his associates, (under the presumption that a mere call for information would not be resisted,) until such discussion had been rendered unavoidable, by the invitation and defiance of its opponents. Such conduct on the part of a minority, Mr. G. believed, was not often witnessed. It evinced a magnanimity which he was proud to behold, and which augured well to themselves and their country.

It was far from Mr. G's intention to travel over the ground which had been occupied by his friends who preceded him, and especially by the honorable gentlemen from New York, who had addressed the House yesterday. While the impressions of their manly footsteps might yet be seen, he should be satisfied with removing the obstructions with which it had been attempted

to conceal them. This investigation, it has been justly urged, is demanded by a regard for the character of our Government in the estimation of our own citizens, and of the world. In answer to this we are told its character needs no protection, it is too pure, too unsullied to be affected by any charge. Sir, this is the language of rash, blind confidence! A most important decree of the French Government, vitally affecting the commerce, the peace, the independence, of this nation, is hidden from the Legislature and from the world, for more than twelve months after its date. Our Ambassador requires the cause of this concealment, and he is told by the official organ of the Government of France, in substance, that there has been no concealment on their part; but that the suppression has in fact been on the part of our Executive, or his agent. This charge of fraud is stated explicitly in the correspondence of Mr. Barlow. If this accusation be in no way repelled, what inference will be drawn from the uninterrupted silence of the accused? Sir, your own citizens must doubt, and foreign countries will more than doubt, about the truth of the charge. It is not yet, I hope, a maxim of our Government that "the King can do no wrong." There is no officer known to our Constitution and laws who is to be presumed incapable of misconduct. When an imputation of foul crime is brought against any of them, and from an accuser of high rank, according to the usages of nations, it is emphatically due to his country that the charge should be repelled. A disposition without cause to suspect public men of criminal conduct, and to swallow with credulity all that can be alleged against them, is indeed ungenerous and illiberal. But the opposite extreme, a determination to believe everything right which is connected with authority, and to applaud without examination all that has been or may be done by the "powers that be," is the characteristic of servility and folly. Of this temper it has been truly said, that "it is the screen by which power is concealed in its gradual progress to despotism, its most dangerous, if not its *only* dangerous approach. And even when nothing worse than imbecility wields the reins, it is by this it is upheld in its course from blunder to blunder, until it converts national misfortunes into national ruin."

A position, said Mr. G., has been taken by the friends of the proposed resolutions, which has given great dissatisfaction to the advocates of the Administration, and against which all the force of assertion and of argument has been directed. No proposition can be more completely established. It is supported by evidence little short of demonstration. The proposition is this, that had the French repealing decree of the 28th April, 1811, been promulgated at the time of its date, or at any time before the fatal resolution had been taken, to plunge this once happy country into war, it would have averted this dire calamity. Gentlemen in vain attempt to put this question to rest, in vain forbid this position to be taken. It is taken, and it will be maintained with all the

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obstinacy of right, in the face of the nation, and in defiance of every effort that can be used to expel us.

It is not my design to proceed step by step through all the documents which are supposed to be connected with this subject. Few employments can be more stale, flat, and unprofitable, either to the speaker or to the hearer. Indeed, sir, however it may be with others, I am weary of documents. They are so multiplied as to involve every object in obscurity, and to afford to every man, who knows how to wrest a sentence from its plain meaning, a text on which to preach a political sermon, according to his own fancy. I am sick of these documents, because their perusal too plainly shows, what is not unfrequent in private controversies, that we have been written into a war. But it is necessary to take a rapid comprehensive view of the state of our foreign relations, and of our course of policy in regard to them, for a few years before the date of this suppressed decree. This will enable us to ascertain the effect which its promulgation would have produced.

The Berlin and Milan decrees were permanent parts of a gigantic system, invented by Napoleon for the destruction of his adversary. The avowed object of this system was to establish a code of maritime laws, in support of which every commercial nation was to be arrayed in a confederacy, whereof he was to be the Protector, Legislator, and Judge. Of this code the elementary principles were, that the neutral flag should protect all that it covered; that arms and munitions of war should alone be deemed contraband; that fortified places could alone be blockaded; and that no blockade was effectual which was not also a siege. Great Britain was to be deemed an enemy of the human race, and cut off from human intercourse, until she acknowledged the new Napoleon code. The nation that declined to accede to this confederacy, was viewed as the ally of Britain, and subjected to the most rigorous and barbarous usages of war. Her ships were burnt on the ocean, and confiscated in port; her property plundered wherever found; her citizens made prisoners, and her territories invaded.

Britain refused to acknowledge this code; and, professing to retaliate on France the consequences of her own insolence, issued orders prohibiting neutral intercourse with a part of the French dominions so long as France enforced these monstrous decrees. These she proudly declared should last while the decrees lasted. In the revocation of them she would proceed step by step with the repeal of the decrees. It is foreign from my present purpose to inquire how far the retaliatory plea had any foundation; or if founded, whether it went in justification, or mitigation only, of the attack on neutral rights. What was the ground taken by our Government? On this point there cannot be mistake. The celebrated report of the Committee of Foreign Affairs, of November, 1808, unquestionably approved by the Executive, and by both branches of the Legislature, for on it was founded the law of non-intercourse with France

and Britain, shows it fully. France and Britain were viewed as equal aggressors on our rights. The wrongs of both must be resented, and equally resented, or the wrongs of neither. Any measure of hostility against one, either through the medium of commercial or of actual warfare, not levelled also at the other, was pronounced to be submission. I do not say that the ground taken was correct. On the contrary, I am convinced, that it was false in fact, and erroneous in principle. But it was the ground deliberately taken by the concurrent voice of every branch of the Government, solemnly proclaimed to the world as the true American ground, and which, in theory at least, has never yet been abandoned. The act of May, 1810, was an explicit re-assertion of the principles of the report of 1808. It refused to resent immediately the wrongs of either belligerent, but pledged the faith of the Legislature, (an idle rash, unconstitutional pledge!) to become the enemy of that one which should persist in injustice, after the other should have returned from the evil of her ways. If either should cease from the violation of our neutral rights, and, on three months' notice of the fact, her rival enemy should refuse to imitate the praiseworthy example, then by an interdiction of all trade with her ports, or in her productions, the obstinate foe was to be punished. This law afforded a fit opportunity for French juggling. The famous letter of the 5th of August, 1810, of the Duke of Cadore, purported to be founded upon it. This letter announced a revocation of the Berlin and Milan decrees, which were to cease to have effect on the first day of November following, upon one or the other of two conditions—a renunciation by Britain of her maritime doctrines, “her principles of blockade;” or an enforcement by America against Britain of the interdiction of intercourse.

This equivocal promise was pronounced by our Executive an actual repeal of the obnoxious decrees; and Britain was demanded, upon the fact of such repeal, to comply with her engagement, to revoke her orders alleged to be retaliatory. This demand was resisted upon the ground, that the latter, instead of repealing, re-affirmed the decrees, the sole objects of which were to compel Britain to renounce her maritime rights, or neutral nations to withhold communication from her. Facts were asserted, and brought forth on each side, in support of the respective constructions given to this Delphic letter. At this time, and during this conflict of expositions in the interpretation of the French Puzzle—a conflict which had it not been followed by consequences the most serious, would have been indeed ludicrous—let us suppose, that the repealing decree of April 28, 1811, had made its appearance, as by its date it ought to have done. It must have entirely changed the state of affairs. It must have silenced the controversy as to the construction of the infamous Cadore letter, while it established what was then the fact. It must have forever severed the fatal alliance which the President's proclamation had made between the law of May, 1810, and this pretended repeal of the decrees on

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the 2d of November. And, sir, whether it had been followed by a corresponding revocation of the British orders or not, it would, in all human probability, have prevented this calamitous war. Would it have been followed by a corresponding revocation of the British orders? It is not given to man to pronounce with certainty upon any event which has not happened; but, if it be possible to arrive at truth by inferring, from what did take place, what would have taken place, had the same causes been brought into earlier operation, there is no reason to doubt but that such a revocation would then have followed. This decree of the 28th of April, 1811, however insulting to the American Government in giving it the lie in the face of the world; and however, in other respects, the detestable reverse of what ought to have been desired, was a formal and absolute abrogation of the obnoxious edicts as regarded the United States. Under the hand of the Emperor, and with all the solemnities of a fundamental law of his Empire, it announced: "The decrees of Berlin and Milan are *definitively*, and to date from the first day of November last, considered as not having existed in regard to American vessels." Could there be any motive of interest, any suggestion of pride, to prevent Great Britain from thereupon declaring that, as these decrees were definitively withdrawn from American vessels, so, also, were her Orders in Council? So far from it, every inducement must have operated with her to adopt this course. She would find in the edict of the 28th of April a complete victory over the American Government as to the controversy whether France had theretofore repealed these decrees. It would have afforded to her one of the most desirable opportunities to contrast her good faith with French perfidy. If she regarded her *honor*, it would have urged to the measure; if she valued *American trade*, she would not fail to embrace the certain means of its restoration; if she cared for the *friendship* of America, she had it completely in her power to dissolve the bands which tied her to France. The President was bound, by the act of March, 1811, on which the French decree of the 28th April professed to be founded, to restore intercourse with Great Britain on the revocation of her orders; and no man was ignorant, much less the British Court, that a restoration of that intercourse must, and would have been followed by the resentment of the tyrant of France. And, do we not know that, as soon as this decree was made known to the British Government, it did occasion a corresponding revocation of the Orders in Council? I say, *as soon*, for, notwithstanding the objection that an interval of thirty days elapsed between the communication of this decree and the revocation of the orders, yet my estimable friend (Mr. GROSVENOR) has explained this circumstance to the conviction of scepticism itself; the Prince Regent was, in fact, without a Ministry. By the Constitution of that country, the monarch cannot act but through the intervention of his Ministers. As he is irresponsible to the law, for "he can do no wrong," he is at

liberty to act only through those who are answerable for what is wrong. The first moment when a Cabinet could be had to deliberate on the French decree of April, 1811, produced the revoking order of the 23d of June of last year—an order which the President has himself declared is susceptible of explanations that render it satisfactory.

Since, then, a knowledge of this decree, in May, 1812, was immediately followed by a satisfactory revocation of the obnoxious orders, why are we to believe that a knowledge of it in May, 1811, would not have produced the same consequence? The gentleman from Tennessee undertakes to inform us, and for this purpose has commented with as much fidelity as is usual with most scholiasts on the Prince Regent's declaration on what *he calls* Lord Castlereagh's despatch, and on the correspondence of Mr. Monroe with the British Minister, Mr. Foster. These, in his judgment, clearly show that this would not have happened. I cannot, if I would, follow the gentleman through all these comments. My lungs already admonish me that I have spoken long, and there is yet a view of this subject which must not be overlooked. Permit me, however, to say that, whatever impression the circumstances referred to were *then* calculated to make, and with the lights *then* alone appearing, they fall infinitely short *now* of supporting the inference which the gentleman attempts to draw from them. The Prince Regent's declaration affords us not the slightest aid in the inquiry. It speaks only of a full and unconditional repeal of the decrees being followed by a full and unconditional revocation of the Orders. It intimates nothing as to the effect which would be produced on the orders by a repeal of the decrees, as it regarded one neutral only. And this was the explicit language of my friend from New York, notwithstanding the statement given of it by the gentleman from Tennessee. It is one of the proudest triumphs of Truth, that, to combat her with success, she must not be met upon her own ground. Is it strange that the declaration of the Regent is silent on this point? No, sir; it was to be presumed that the new maritime code of Napoleon would be adhered to or relinquished. If adhered to, the orders were to continue; if relinquished, they were to cease. The dispute between the United States and Great Britain was, as to the fact of the repeal or no repeal of the French decrees, and not whether the repeal was limited to America alone, or extended to all neutrals.

As to the despatch of Lord Castlereagh, none of us can pretend to know its contents; further than may be collected from the correspondence between Mr. Monroe and Mr. Foster. The former of these gentlemen asks the latter, (letter June 3d, 1812,) whether the recollection which he has of the import of Lord Castlereagh's despatch, in supposing it to differ from Mr. Foster's own letter of the 30th May, in the circumstance of declaring that the decrees must be repealed, not only against the United States, but against the world, before any revocation will be had of the Orders, be accurate or not? Mr. Foster as-

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sures him in answer, on the same day, that there is no difference between his letter and the despatch. This letter of the 30th May, unquestionably contains no such declaration. Let it be twisted as it may, it states nothing more than that a partial exemption from the penalties of the decrees, upon the condition of a co-operation in their object, could not entitle any neutral to claim a revocation of the British orders. It is an adherence to the ground originally taken—and which upon the plea of retaliation could not have been abandoned. But I agree with the gentleman from Tennessee in the sentiment that Foster's letter, of June 10th, does express the opinion that a repeal of the decrees as to America, would not entitle us to claim a revocation of the orders to the same limited extent. Now, sir, if this opinion of Mr. Foster can be viewed as founded on any special instructions, it would be entitled to great weight. But it is remarkable that no such pretence is advanced by Foster. He gives it merely as an opinion which he infers from the public declarations of his Government, justifying their orders, and avowing the grounds on which they would be revoked. From these, without the imputation of arrogance, any of us is as well enabled to draw the proper inference as Mr. Foster himself, and therefore any of us could claim to know with as much confidence what would be done by his Government, on the happening of an event which had not been specially provided for nor anticipated. That this is a correct view of the nature of the opinion given in this letter, appears from the very words of Foster, immediately following the sentence containing the opinion. "But, sir, to what purpose argue upon a supposed case, or upon a state of things not likely to occur?" It also appears from his subsequent declaration, in his letter of June 14th, in which he says, that "a full and unconditional repeal of the French decrees, as we have a right to demand it in our character of a neutral nation, shall be met with a revocation of the Orders in Council." An absolute withdrawal of the decrees, as regards the United States, would unquestionably have been a "full and unconditional repeal" in this sense and to the extent of our neutral claim.

One remark, sir, on the correspondence of Mr. Monroe and Mr. Foster ought not to be omitted. No man can examine it, without being sensible of the superior skill with which it was conducted on the part of the American Secretary; and in nothing is the superiority more manifest than in the management with which the British Minister is drawn in to give an answer to the abstract question of a supposed repeal by France of the decrees, so far as they affected America. Though seemingly conscious of the snare that was set for him, and more than once avoiding it, yet he is at length completely caught. A boy never twirled his top with more entire control than the Secretary turned Mr. Foster round his finger. While the contest as to the *fact* of a repeal of the French decrees was going on between them, and every day was adding a new argument to establish the negative, the celebrated report of the French

Minister of Foreign Relations, to the Conservative Senate, of the 10th of March, 1812, made its appearance. This report so unequivocally contradicted the supposition that there had been any repeal of the decrees, that it was scarcely possible to carry on the argument longer. What was to be done? The war whoop had been sounded; the war passion had been roused, the war embargo had been imposed, and the war message communicated. To use the wretched culinary metaphor of the Committee of Foreign Relations, "the table had been spread, and the guests were all invited to the feast"—of blood. There was imminent danger of disappointment. With an art and an address worthy of a better cause and a nobler object, (a better cause than the upholding of Executive consistency, or concealment of the fatal delusions of every branch of the Government—a nobler object than a petty diplomatic advantage over a puny adversary,) it is contrived to shift the ground of controversy. Actually confounding, or pretending to confound, a mere exemption from the operation of the decrees, so long as we brought ourselves within the benefit of their provisions, with an unequivocal repeal of the decrees themselves, so far as affected us, the Secretary easily perplexes the British negotiator. Contriving to draw from him what may be construed into a declaration that such a repeal would not be followed by any revocation of the orders, he rejoices to be relieved from the now unnecessary inquiry, whether such a repeal had in fact occurred. There is now no further delay or impediment. Grace is invoked in due form, and the horrid banquet commences.

The gentleman from Tennessee cannot help his argument by any expressions in the order of the Prince Regent, of 23d June, repealing the obnoxious Orders in Council. It is very true that it pronounces that the tenor of the decree of the 28th April, 1811, does not satisfy the conditions upon which he had pronounced in his declaration of the 21st of April, 1812, that the orders should cease and determine—nor does it. A revocation of the orders as to all the world, was only to be consequent on a repeal of the decrees as to all the world. The declaration of April had been silent as to the effect of a repeal of the decrees limited to one nation. What would have been the effect, was to be collected from the spirit of the pledge given as to the retaliatory character of the orders, and of their ceasing, step by step, with the decrees on which they were founded. What was its effect this order manifested. It immediately produced such a revocation, as tended "to establish the intercourse between neutrals and belligerents, upon its accustomed principles"—those principles which the decrees and orders had temporarily impaired. That it would have produced the same effect at any antecedent moment, a candid inquirer can scarcely doubt. With every reason to believe, and not one to disbelieve it, incredulity is the offspring of prejudice.

But it is doubted whether a timely repeal of the Orders in Council would have prevented a war.

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Sir, such a doubt cannot be removed by argument. He who indulges it will cherish it the more, because it is almost exclusively his own; and because it soars above the reach of argument. There is scarcely an intelligent man in the Union who does not know that the Orders in Council were the pivot on which the war turned. Had these orders been removed, and our full intercourse restored with Great Britain, the man would have been deemed insane who should have proposed a declaration of war. Thus, sir, the question on impressment was yet unsettled—and this is now trumpeted forth as the great cause of hostilities. Indeed, when the black catalogue of injuries was to be made out, it was not amiss to give this a conspicuous place in the inventory. But, we all know that this question had slept without any efforts to settle it since the rejection of Mr. Monroe's arrangement. And, after rejecting this arrangement, our Government could not have had the audacity or the guilt to plunge into a war about "seamen's rights," without an attempt on our part to secure them by negotiation.

Mr. G. said, there was another point of view in which the suppression of this repealing decree was of immense importance. Although it had not been followed by a revocation of the Orders in Council, its publication must have prevented war. Never, said he, can I forget the impression which the first appearance of this document made on my mind, and sure I am there is at least one honorable gentleman in this House who voted for the war, (and no doubt upon the best conviction of his understanding, and with the most upright motives,) who will not readily forget the impression which the first communication of this decree made on his mind. As soon as it met his view, on his way home from the very Congress in which war was declared, not in answer to any question, but from the spontaneous impulse of honest emotion, he exclaimed—"This was not known to the Government before the declaration of war." Is not the inference irresistible, that had it been known, in his opinion, at least, war would not and ought not to have been declared. Sir, could it have been, without utter infamy? We had taken our stand to treat both belligerents alike, until one should first cease from injustice—and on that event only had pledged ourselves to punish the other. Under a belief that France had so solemnly retracted her iniquitous decrees, and that we were bound by the obligations of honor to redeem our plighted faith, we waged a commercial warfare with England, which we afterwards changed for actual war. What does this decree tell you? Every word of it deserves notice:

"Seeing, by a law passed on the 2d March, 1811, the Congress of the United States has ordered the execution of the provision of the act of non-intercourse, which prohibits the vessels and merchandise of Great Britain, her colonies and dependencies, from entering into the ports of the United States; considering that the said law is an act of resistance to the arbitrary pretensions consecrated by the British Orders in Council, and a formal refusal to adhere to a system invad-

ing the independence of neutral Powers, and of their flag, we have decreed and do decree the following:

"The decrees of Berlin and Milan are definitively, and to date from the 1st of November last, considered as not having existed in regard to American vessels."

The very issuing of this decree proclaims that the Berlin and Milan decrees had not been theretofore repealed. It tells you, and it tells the world, that it is not a fact, as you have declared, that France has done the act which justified you on your own principles in making a distinction between her and Great Britain. It contemptuously holds you forth as having been cheated into a course of conduct which, agreeably to your own doctrines, was submission to France. It treats with scorn your pretension, that France had departed from her system towards you. It announces that you have abandoned your scheme of neutrality. It declares that you shall be relieved from the oppressive decrees in consequence of your law of March, 1811, and because the gracious arbiter of your fate deigns to view that as a sufficient act of resistance against his enemy—in other words, as a sufficient manifestation of your accession to his maritime confederacy. Sir, said Mr. G., my face burns when I venture even to ask, if this decree had been before you, could you have insisted on the policy of a war with Britain? In May, 1810, you could not select between the rival belligerents. In May, 1811, the only change in the account of your wrongs is an act of the meanest deception, and most outrageous insult, on the part of France. Would this have so changed the political balance as to have made you direct your hostility against her enemy. It would not—it could not have been so. However firmly I believe that it has pleased a chastening God to punish our sins by darkening the understandings of those who have governed in our Councils, yet I know there was yet an American spirit among them, which would have been called forth had this decree been presented to their view. Its promulgation would have disclosed the gulf which was yawning to devour us. Instinctive nature would have recoiled from destruction.

Yet, sir, this decree, the suppression of which has involved my country in war—this decree, of which our first knowledge is its communication to Barlow in May 1812—this very decree the French Government declare was duly laid before the proper Representatives of this nation both abroad and at home. The great object of these resolutions is to ascertain the truth or falsehood of these charges. When I reflect on the situation of those whom I represent on this floor, not the wealthy inhabitants of your cities, who in time of need can live luxuriously, upon the gains which they have amassed in the days of prosperity, but, in general, the plain industrious farmers of your country, once comfortable and happy, though never rich—when I consider the general embarrassment which prevails among them, and the new burdens which your tax bills are about to impose—when I think of the utter distress which has seized on that portion of my constituents who once gained a decent competence by labor-

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ing in their native forests, or by navigating their dangerous coast, or by mechanical pursuits connected with commerce—and recollect that all these calamities have sprung from a fatal war, which had its origin in a trick, a delusion, I should be a traitor to them if I did not aid with my efforts in discovering the authors of the fraud. It is due to our citizens that they should know how the nation has been betrayed into its calamities. However mortifying the acknowledgment, better, far better that they should learn that their Government has been the dupe of France, than that they should suspect it of having been an accomplice in her perfidy.

Sir, it is premature to pronounce an opinion before the desired information is given us. But as other gentlemen have not hesitated to declare theirs, and as forbearance on my part might be misinterpreted, I have no hesitation in expressing my belief, that the assertion of the Duke of Bassano is false. I do not think that the Executive could have been guilty of an act so detestably wicked as the wilful concealment of a document so all important to his country. And although I know nothing of Mr. Russell, our former Minister to France, I will not believe him guilty (without far better evidence) of such foul treason against the nation which he represented. I feel assured, that the result of the inquiry will prove, that the guilt, and the meanness, and the falsehood of this transaction have their origin in the Cabinet of Napoleon—that laboratory of frauds and calumnies. But while these are my hopes, and this my belief, I will not conceal my apprehensions. From the silence which has hitherto been observed by the Executive, when the occasion permitted and even required notice of the accusation—from the palliating tone in which the insolent decree has been spoken of as rather “exceptionable in its time and manner,” I fear that the honor of the Government and the interests of the nation have not been vindicated by repelling the insult, or by demanding an explanation of the complicated perfidy of France. If from a cautious, timid policy, or from any other cause, this course has been neglected, and it is the object of the last resolution to ascertain the fact, this House, I trust, springing immediately from the people, and animated by the feelings which pervade the nation, will not hesitate to evince their sensibility to its wrongs and indignities—their scorn of calumny, and detestation of treachery, even though they proceed from an Imperial source, or are allied with hypocritical professions of “love for Americans.”

Mr. HANSON rose in reply to Mr. GRUNDY.—He said he would again ask the attention of the House as long as his strength would enable him to keep the floor, whilst he set forth those views which directed his mind upon the present inquiry. He equally regretted, that gentlemen should have dipped so deeply into the documents connected with this very plain and simple question under discussion, and the necessity he was under of replying, in a particular manner, to the gentleman from Tennessee (Mr. GRUNDY.) The

assertion made by that gentleman, the sentiments he uttered, and the monstrous doctrines he advanced, rendered such a reply unavoidable, if indeed he could ever be disposed to avoid doing his duty. Desirous as he had been from the beginning, to confine the discussion within its proper metes and bounds, with the hope of having presented to the people a simple, plain proposition, he would not have suffered himself to be led into a tedious investigation, but that it seemed altogether fitting for him to reply to the member from Tennessee.

One of Mr. HANSON's reasons for avoiding the course pursued in the debate, of opening upon the House a deluge of documentary evidence, was, if possible, to deprive gentlemen, like the member from Tennessee, of an opportunity to display the lawyer-like dexterity, and a characteristic skill and cunning, for which he understood the member stood unrivalled and pre-eminent in the highly civilized, polished and refined State which honored the House with his presence here. As it was however, Mr. H. did not regret the course that had been taken, because it had been the means of placing the gentleman from Tennessee in the light Mr. H. was most pleased to behold him; of exhibiting him in those native colors, dressed in which he would be best recognised by those who best knew him—of displaying him in his true character, of a bitter reviler of one of the great parties in this country, and the apologist of France.

[Here the SPEAKER called to order; saying, the gentleman from Maryland could not proceed in such a course of argument—that the epithet “cunning” was not proper to be applied to a member of that House, still more was it out of order to use the words “apologist of France.”]

Mr. HANSON asked if the same latitude of debate allowed to the gentleman from Tennessee would not be extended to him. The SPEAKER replied “certainly.” If it is not, said Mr. H., I must get at the gentleman in some other way, in the course of the argument. Mr. GRUNDY rose to explain: Mr. H. said he had the floor and meant to keep it; there would be an opportunity to reply.]

Mr. HANSON proceeded—It struck me, Mr. Speaker, with considerable force, and I have no doubt other gentlemen on this floor thought it not less remarkable, that although the inquiry embraced in the resolutions related exclusively to the perfidy and falsehood of the French Government, presuming innocence at home, after occupying the floor full one hour by the clock, during which time innumerable insinuations were made, when not one fact could be substantiated, the gentleman has not uttered one word of reproach, has not suffered a breath of improbation to escape his lips against this France. On the contrary, in the very breath that he impugns the principles and arraigns the patriotism of the best and wisest men that adorn our country, he himself seeks to shroud and smooth over the enormities of the French Government.

The gentleman spoke of our laboring in our

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new vocation to sow distrust among the people, and to throw obstructions in the way of the Administration, thus weakening the arm of our own Government and strengthening that of the enemy. If that gentleman will only turn his eyes inward and examine his own heart, if he will look at home, he may come to the conclusion, that our new vocation is at least as praiseworthy and honorable as his old vocation. If I am not mistaken, sir, this is the fiery, furious gentleman, who, during the war session, went about beating up to arms and enlisting recruits, crying out, follow me ye of stout hearts, let the faint-hearted now leave us! That gentleman, Mr. Speaker, (pointing to Mr. GRUNDY,) it should be known, can set examples in and out of this House, which, I confess, it would require a very stout heart to imitate; which, with perfect honor, might be shunned, nor should that heart be denounced as faint which should pause, palpitate, and shudder at the bare idea of such imitation. The gentleman may labor in his vocation without danger of interruption from me in his suits or pursuits. But who are the friends of the "fast anchored isle," (and I hope she will long remain fast anchored; I trust in God, she will not be loosed from her moorings, at least, until the colossal power of France is at an end—we have nothing to disguise or conceal upon this subject,) that he accuses of weakening the arm of Government, and aiding the enemy? Think you, Mr. Speaker, that the honorable gentleman alluded to would suffer by a comparison of public and private virtues with the member from Tennessee? I will not do irreverence to the gray hairs of the venerable and exalted characters (pointing to Mr. PICKERING, just before him, and meaning also Mr. BENSON and Mr. STUART) whose lives have been dedicated to the service of their country—in whose bosoms the flame of patriotism still burns bright, and cannot be extinguished by the snow above—I will not disparage their fair virtues by any such comparison. No, sir, the reputation of the models of political excellence and moral worth that we delight to honor, rests upon a base of adamant. They are lifted high up above the reach of obloquy, or crimination from that quarter.

The gentleman, in his zeal to cast odious suspicion on the friends of peace, has said the honorable gentleman from New York (Mr. GROSVENOR) "out-Herods Herod, out-Castlereaghs Lord Castlereagh," when, by his own exhibition, the gentleman from Tennessee out-Bobadils Bobadil, and out-Bassanos Bassano. At the same time he loudly calls upon the honorable gentleman from New Hampshire no longer to support his resolutions by proxy, when he himself was made a mouthpiece by the gentleman from South Carolina, (Mr. CALHOUN.)

The gentleman charges the minority with being the cause of the war, said Mr. H. Did he mean to say, that they had been laughed or ridiculed into the measure? This was paying a left-handed compliment indeed to the understanding and high political attributes of the men that rule the country, as well as to his own sense and

judgment. The truth was, they had waded so far, it was better to go on than turn back. They had so completely committed themselves in their bullying system—their policy of addressing themselves to the fears of England—that, according to their own misconceived notions of consistency and honor, they were obliged to go on, all retreat being cut off—no avenue being left open for escape. Mr. H. here spoke of a self-created committee of Congressmen who called on the President and required him to send the House a Message recommending war. He said the first demand was unsuccessful, but the second succeeded; when he was given to understand that his reelection depended upon his recommending war at once. Mr. H. inveighed in strong terms against such a state of things, when a Presidential election was made to depend upon a recommendation of war.

In answer to the doctrine of moral treason, Mr. H. spoke of the Western insurrection, and contrasted the conduct of Federalists now with that of the Democrats then. Although groaning and sweating under the pressure of the privations and afflictions induced by an unrighteous and wasteful war, they had never combined to rebel against the Government, and point their bayonets against their own country. They claimed nothing but the privilege, which was the birthright of every man in this free country, of opposing the measures of Government in a Constitutional way. He spoke indignantly of the conduct of Gallatin in that insurrection, who had been so well rewarded, and was known to have been the very soul of the Government for many years past, and was now sent to Russia to intrigue on the Continent of Europe. After speaking of the conduct of the present ruling party during the French war, he again assailed the slavish Asiatic doctrines advocated as a means of carrying on the war. None but a helot or a serf could harbor in his bosom such hideous, deformed principles, and he who did entertain them was unworthy of being a member of a free community, much less of having a seat on this floor. He had not the patience or philosophy to treat this subject as it might be treated by others. Even in the district he represented, distinguished as it was for lofty and correct sentiments, some men of reputed sense were so borne down by clamor, or terrified by the threatening aspect of affairs, as actually to ask the opinion of a lawyer how far it was lawful to oppose war, now that it was declared. Such was the industry and success with which the doctrine of moral treason, passive obedience, and non-resistance, was disseminated, wherever agents could be found base enough to do such jobs for their employers.

There was no way of terminating this war, if the House, who held the purse strings of the nation, would grant the supplies to carry it on. The House owed all its importance and authority to the power of the purse. They alone held the purse strings of the nation. To this feature of the Constitution, they should cling as the floating plank on the ocean—as the rock of their sal-

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vation. It was in the power of the House to terminate this bloody and disastrous contest with a nation willing to be at peace with us; and that man was indeed morally guilty of treason, who would furnish the means of ruining his country under the impressions entertained by the minority of this war. With the conviction written on his mind in strong and indelible characters, Mr. H. would feel like a traitor, if he aided in supplying the means to bring the Republic to a premature but inevitable fate, if the war was continued another year, of which there could be no doubt, as far as the actions and the hearty wishes of the dominant party and their leaders were a criterion to judge by.

Mr. H. said, that nothing but the spirit, perseverance, and patience, of the Federal party, had saved the nation so long from falling into the fangs of France. They cleaved closer and closer to the country as her danger increased. But for their unconquerable attachment to liberty, their ardent and unintermitting exertions to save the nation from the greatest of all sublunary miseries, years ago we should have fallen into the snare set for us by the fell destroyer of nations. By a slow but sure process, said he, has the existing state of intense suffering, alarm, discontent, and danger, been brought upon this people. As direct and as constant as the vane upon the steeple points to the quarter whence the wind blows, and shifts with every adverse breeze, as faithfully as the needle designates the North, have the measures of the present incumbent of the palace and his predecessor and preceptor pointed to this war. True, they had occasionally varied and shifted their measures in matter of form as circumstances required—now relaxing, now bracing and invigorating their system—but the political barometer never deceived us. The State vane always showed whether the wind set from Mount Monticello or Gallia's shore, which the weatherwise considered as one and the same thing, in regard to the effect upon the political season. Yes, sir, said he, as regularly as the compass and the heavens conducted the great mariner Cook around the globe, and the breeze propelled his bark along, have the predominating minds of the ruling party, driven on by headstrong passion, have the master magicians behind the scenes, so beautifully dizzened to amuse the eye and divert the judgment, conducted this deluded people, like the alluring night lamp, into swamps, through briars, thickets, and quagmires. But to foretell a year ago the disastrous events that have passed in review before us, in almost "one long unbroken funeral train," betrayed a distempered imagination. A peculiar proclivity to error was perceived in all our speculations, and a treasonable excitement of false alarms was charged against those who foresaw and were bold enough to foretell abortion and disgrace in all the transcendent schemes of glory, conquest, and aggrandizement, engendered in the disordered brains of their authors. Indeed, whoever had the hardihood to venture a prediction of mis-carriage, was assailed with the ready argument

of minions and pensioners; the cry of tory was thrown into his face like a bowl of cold water. The lamp post, the guillotine, or the gallows, was a punishment scarcely ignominious enough for the man who dare oppose this most righteous, honorable, and profitable war!

Mr. H. here proceeded to show, that the war had no other foundation but a false and mistaken data; in a word, that it was bottomed on a falsehood, and therefore the minority should not be strung up as moral traitors, or have their throats cut for opposing it in a Constitutional way—unlike the opposers of the French war of 1798—the only way in which it had been opposed, and he hoped would continue to be opposed, with a zeal and constancy commensurate with the great and salutary objects to be attained.

He began with the celebrated "triangular report," as it was called, of 1808, which assumed the alternative of war, embargo, or submission, declaring that "war with one of the belligerents would be submission to the other." He asserted, (and called upon gentlemen then in the House, who were of the Committee of Foreign Relations in 1808, to contradict him if they could undertake to do so,) that the report mentioned proceeded from the pen of the President, was not the production of the committee, but was handed over by the Executive to one of the heads of department, who handed it to the committee. Of course the stand taken was by the Executive; it was their act, and they were thus pledged to the United States and to the two great belligerents of Europe to preserve a strict neutrality, a faithful impartiality towards them, &c.

He then cited the law of May, 1810, holding out the same terms to France and England, and empowering the President to suspend the law of non-intercourse in favor of either that should accede to our offer, and enforce it against the Power that should decline an arrangement—the "fact" of such repeal to be declared by proclamation. He explained how and wherefore the word "fact" was introduced into the non-intercourse law of 1810. Because it was thought, by those opposed to the arrangement with Mr. Erskine, that the Executive had transcended his powers, by proclaiming the orders to be repealed, when the repeal was to take effect *in futuro*. The law was then construed by its makers as bearing no such meaning, but to require an unconditional repeal, to take effect at the time. He would say nothing of the manner in which both Houses endeavored to contravene that arrangement, before its disavowal in England, and thus breaking the plighted faith of Government; but it was certain the word "fact" was introduced in the new law, in order more clearly to define its meaning, and to guard against a second departure from its spirit and letter. Nevertheless, the Duke of Cadore's letter of August 5, 1810, was taken as a repeal, coming within the strict meaning of the act, although the repeal was therein made to depend upon a condition precedent, and not an actual *bona fide* repeal, as contemplated by the law. What were those conditions? That Eng-

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land should repeal her Orders in Council, abandon her new principles of blockade, or the United States should cause her rights to be respected: in other words, take part against "the common enemy," which was finally done, before an authentic act of repeal was published by France and presented to England. The French Government had itself furnished the proof of this fact, out of which grew the present resolutions.

A word or two, said Mr. H., about these new principles of blockade. According to the Napoleon code, a blockade to be legal, must be of a fortified place, and there must be an investiture by sea and land. According to the same code, a ship is declared to be an extension of the territory, a floating colony; to visit or search, therefore, is an invasion of the territories of a neutral, and an act of war. For not repelling such invasion, France chastises us by a general order to her corsairs, to sink, burn, and destroy; while in port, the douaniers seize or confiscate all within the reach of the Imperial robber. So that Bonaparte will sink our territory and burn our colony, because we do not resist by war the right of visit and search, legally exercised by his rival! Oh, most just, merciful, and loving ally!

Mr. H. said, when the Duke of Cadore's letter was first published in this country, not one man in a hundred supposed for a moment, that the President would take that letter as coming within the meaning of the law of May, 1810, because its express proviso was palpably inadmissible, being a condition precedent, and not a condition subsequent. He likewise asserted, upon authority which he deemed altogether good, that the President himself, when he first received the Duke's letter, pronounced it "*jesuitical*," and expressed himself in terms authorizing the belief, that he would not accept of it as coming within the terms of the law of May, 1810. However, notwithstanding this, and the undeniable evidence upon the face of the letter itself, to the amazement of all discerning honest men, Mr. H. well recollected to his own utter astonishment, on the 2d of November, 1810, the President did issue his proclamation declaring the fact of the repeal of the Berlin and Milan decrees, on the first of the same month and year—that is, that they were repealed the day before, according to the provisions of our law of non-intercourse. Now was drawn the strong line of demarkation between the two great parties in this country. Each took its decided stand, and bottomed its support or opposition to Government upon the truth or falsehood of this proclamation. We, the minority, contended, that there had been a positive violation of a plain law to favor France and embroil us with England—that a palpable juggle had been practised to induce a state of insurmountable repulsion in our relations with one belligerent, as a manifestation of our partiality to the other, and finally, with the view to connect our destinies to those of France. You, the majority, contended, that the President had only discharged a ministerial duty, doing nothing more than the law required of him, and in doing which he had no discretion to exercise.

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To say nothing of the spirit of prophecy with which it was solemnly proclaimed to-day, that the decrees were *bona fide* and in "*fact*" repealed yesterday, I ask what was the fact? how has it turned out in evidence? Were we, the minority, as roundly asserted, in the wrong; or were you, the majority, *ab initio*, in the wrong, and have you continued in the wrong ever since? What says the evidence in the case? On the 28th of April, 1811, the Emperor promulgates his decree, antedated or not, it is immaterial, which commences thus:—"Seeing by the report of our Minister, &c., that the United States have passed a law of resistance, &c., we, Napoleon, &c., do decree, &c." What law of resistance? The March law of 1811, which superseded the false proclamation, and made that proclamation the only evidence of the repeal in the courts of law. So that Administration sought to entrench themselves behind the assumption of the fact, that the decrees were repealed in November, 1810, and that the law of March, 1811, "the law of resistance to England," was a consequence of that repeal; while on the other hand, our good friend, Bonaparte, officially declares, and produces the very repealing decree itself to remove all doubt, that the repeal was a consequence of the law of resistance. To aggravate the wrong and insult, he solemnly declares, through his Minister of State, that the repealing decree had been communicated to Mr. Russell and Mr. Serrurier about the time of its date, in order that it might be laid before this Government. It is this collateral fact of communication that these resolutions are meant, perhaps in vain, to establish. Were we right and you wrong? The evidence is before the world, and the best and only witness to the fact, the Emperor himself, by publishing his decree, proves the rectitude of our course, and the fallacy of all your positions. It proves the proclamation to have been false, the law of March to have been unjust, as predicated (to use the fashionable phrase) upon a falsehood; and it proves that every step since taken towards this war was in our own wrong, contrary to truth, justice and honor—it proves that the war has no other foundation to rest on than an undeniable authenticated falsehood. The war, therefore, deserves and can be distinguished truly by no other appellation than an unnecessary, unjust, and unrighteous war, for opposing which we are moral traitors! All the gentleman's reasoning, (Mr. Grundy) therefore, drawn from Mr. Monroe's and Mr. Foster's correspondence, is of no avail, and merits no reply.

To strengthen my positions, I will introduce another piece of testimony, from a witness altogether unexceptionable, the late Secretary of State, than whom none, save the President himself, stood higher in the estimation of the dominant party, and whose honor was guarded with a punctilious delicacy, amounting almost to adoration, as manifested by the dismissal of Mr. Jackson. What says this witness? I am afraid, by undertaking to repeat his testimony, I shall weaken and adulterate his precise and energetic language, and will therefore give his own words:

"It is within the recollection of the American people, that the members of Congress, during the last session, were much embarrassed, as to the course most proper to be taken with respect to our foreign relations, and that their embarrassments proceeded principally from the defect in the communications to them as to the views of the Emperor of the French. To supply this defect was the great desideratum. At a critical period of their perplexities, the arrival at Norfolk of an Envoy Extraordinary from France was announced. Immediately thereon all their proceedings touching our foreign relations were suspended. Their measures, as avowed by themselves and as expected by the nation, were then to be shaped according to the information, that might be received from Mr. Serrurier, especially, as he necessarily must have left France long after the all-important first day of November. Upon his arrival at Washington, and immediately after he had been accredited, knowing, as I did, the impatience of Congress and of my countrymen, I lost no time in having with him a conference. This conference I concluded by stating that I would take the liberty of addressing to him a note propounding the several questions, that I had just had the honor of putting to him in conversation, and that thus by his answer I should be enabled to lay before the President, with the utmost precision, his communications to me. I accordingly, immediately prepared the following draught of a letter, and considering the President's sanction a matter of course, I had it, in due official form, copied by the appropriate clerk. But waiting on the President with it, and after having reported to him verbally the result of the conference, I was, to my astonishment, told by him that it would not be expedient to send to Mr. Serrurier any such note. His deportment, throughout this interview, evinced a high degree of disquietude, which occasionally betrayed him into fretful expressions. Having in view nothing but the dignity of the Government, and the prosperity of my country, and, overlooking his peevishness, I entreated him, but in a manner the most delicate, not to withhold from Congress any information that might be useful to them at so momentous a juncture."

To give its full and proper force to Mr. Smith's evidence, a short notice of some interesting and important circumstances attending the introduction and final adoption of the March law of 1811 will be necessary. The gentleman who was Chairman of the Committee of Foreign Relations at that time, is now a member of this House, and is in his seat. I say, then, as well as I remember, (correct me if I am wrong,) he introduced the law of March, 1811, just as Mr. Serrurier's arrival was announced. As soon as the Minister's arrival in Washington was known, he withdrew his bill, as understood at the time, to proceed wittingly, and to allow time to ascertain from the new Minister fresh from France, whether the decrees of Berlin and Milan were actually repealed, as assumed and proclaimed by the Executive. The inference would be drawn by the public, if, after allowing due time to learn the result of the conferences between the Secretary of State, the bill was again reported, that the result of such conference was favorable, and removed all doubt of the truth of the proclamation. If not again reported, the conclusion would necessarily be drawn, that the information extracted from Mr.

Serrurier was unfavorable. What was the result? Recur to the testimony given by Mr. Smith, and all doubt is removed. In this state of things what did the Committee of Foreign Relations? The Chairman again introduced the law of resistance against England, bottomed upon the asserted repeal of the decrees and the President's proclamation, which itself rested upon what is now established to be a juggle of France—an undeniable untruth. The nation of course did infer that Mr. Serrurier had fully satisfied the Administration of the repeal of the decrees. There were those, to be sure, (Mr. H. was among the number,) who never for a moment changed their opinion, but the many continued under the delusion until Mr. Smith's disclosures burst upon the nation, aroused general indignation, and struck with amazement and horror every man whose mind was open to conviction. Nevertheless, the Administration proceeded with a steady step to their point of destination, and finally plunged the country into this most ruinous, calamitous war, which has filled the nation with grief and mourning, and brought us to the verge, if not the gulf, of national bankruptcy. They rushed on blindfolded till they were so far advanced as not to have the power of preventing this people from being sucked into the vortex, which had well nigh swallowed up the liberties of the world, and but for the memorable and glorious events which have opened a new era to the nations of the earth, would have sealed the doom of this rising empire.

Mr. H. said, he feared the House were now severely suffering from the wide range taken in this debate, which he himself had protested against but a day or two before, desirous as he was of confining the attention of the House to the simple subject of inquiry, whether Mr. Madison or the Duke of Bassano was guilty. He could not too often repeat how desirable it was to pin down public attention to the point, whether the heinous offence imputed to our Chief Magistrate was false; and whether he had the independence and spirit to prove it so, or preferred pocketing the outrageous insult, to encountering the ire of Bonaparte.

It was proper here to notice an argument much dwelt upon by the Treasury side of the House—that the communication to Congress of the French repealing decree would not have prevented the war—nor was there any reason to believe England would repeal her Orders if the French repealing decree had been communicated to her. To which I can offer no better answer than this: she did repeal, so soon as the deranged state of the Ministry would permit, and in less than a month, or thereabouts, from the time Mr. Russell handed in the decree. But the argument of the gentlemen supports the presumption of the truth on this ground. What did it prove? Precisely what the minority have all along and invariably maintained—that you were so bent upon this war, as hardly to desire a pretext for engaging in it; you were resolved to wage it let what might happen. Had Great Britain repealed her Orders,

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which were the sole avowed cause of the war, she would have been taken up on the ground of impressment, though totally abandoned in the arrangement with Erskine. That point settled, the new principles of blockade would have remained to be adjusted; even this settled, restitution of property would have remained as ample cause of war with those who desired it. As England receded we have always advanced, even to the point of treading on her toes. One concession would be followed up by demanding another, and, with the men at our head who now govern us, war was inevitable, sooner or later, and must be continued, or the natural alimient of Democracy is withheld, and it pines away and dies. A treaty with England was always deemed tantamount to a declaration of war with France, and it was notorious that the late President, and author of all the evils endured by the country, frequently declared that "he wanted no treaty with England;" this, too, while negotiation was carried on with every appearance of sincerity. The whole secret lies here; it was thought England must be conquered; Bonaparte would bestride the globe, and we were for making early terms in the very manner of all those States on the Continent, that suffered most because most obsequious, supple, and submissive. In short, the elements of which the ruling party is composed, require a constant state of excitement and irritation to be kept up against England, lest the party disunite and is overthrown.

It remains for me, said Mr. H., to account for the cause of the falsehood, if a falsehood, told by Bassano, although it is conclusive, on the face of the correspondence, that at least one palpable lie has been told by him. I will prove, by his own words, that Mr. Barlow very modestly requested the Duke to tell a lie to answer the purpose of the Executive. In the most humiliating, degrading, and supplicating tone, upon his knees almost, he prays the Duke, in May, 1812, to publish a decree, declaring that the Berlin and Milan Decrees were repealed in November, 1810; and thus to legalize the false proclamation, and give to it the quality of truth, which it wanted from the beginning; thus dexterously to slide under us again the popular ground which had been slipped from under the Administration by the Duke of Cadore's juggle. Well, Monsieur, always courteous, ever accommodating, like a true-bred Frenchman, being importuned to lend Mr. Barlow one lie for his purposes, and those of his employer, liberally resolves to tell two lies, both of which, however, though caught at by Mr. Barlow, as a proof of his great address and influence with the French Minister, add to the difficulty and disgrace of Government. The antedated decree appears, and behold! it gives the lie direct to Mr. Madison's proclamation, (never to this day recalled in language "becoming the occasion,") establishes the injustice of the law of March, 1811, and the unrighteousness of this war. The other lie, as we hope it will turn out, is, that the decree was in proper time communicated to Mr. Russell and Mr. Serrurier, to be laid before this Government. Take

it altogether, never was such aggravated wrong and injustice, such outrageous insult before submitted to. Here are the extracts from Mr. Barlow's letters. On the 1st of May, 1812, Mr. Barlow writes to the Duke of Bassano in these words:

"It is much to be desired that the French Government would now make and publish an authentic act, declaring the Berlin and Milan Decrees, as relative to the United States, to have ceased in November, 1810, declaring that they have not been applied, in any instance, since that time, and that they shall not be so applied in future."

This is admitting that no "authentic" repeal had before taken place; and to ask the Duke in 1812 to declare *now*, May 1st, 1812, that a repeal took place at that date; and to "make now," and publish a decree to that effect, was to be sure a very modest request, though it was all-important to ask and have it granted, to make that which was false in November, 1810, appear to have been true in 1812. Mr. Barlow succeeds in his request so far as to get the decree, but it dates the repeal of the French obnoxious edict in April, 1811, instead of November, 1810. Take Mr. Barlow's own words. I will now read an extract, said Mr. H., from Mr. Barlow's letter to Mr. Monroe, of May 12, 1812:

"When, in the conversation above alluded to (with Bassano,) the Duke first produced to me the decree of 28th April, 1811, I made no comment on the strange manner in which it had been so long concealed from me, and probably from you. I only asked him if that decree had been published. He said no; but declared it had been communicated to my predecessor here, and likewise sent to Mr. Serrurier, with orders to communicate it to you."

It cannot be overlooked that these despatches were not communicated to Congress until almost a year after the date of Barlow's letter containing the information, instead of being promptly and voluntarily communicated, as containing nothing that it was desirable to conceal. It is also remarkable that, when communicated, not a word of explanation or contradiction is contained in the President's Message. He merely sends the declaration of Bassano, which is thus impliedly admitted to be correct because not denied. Mr. H. said guilt lies between them, and illustrated by the case of robbery or murder that must have been committed by one of two persons only. The innocent man would insist upon a search or trial, while conscious guilt would involuntarily bring the hand of the other over his pocket, and make him anxious to hush up the affair. As an American, Mr. H. was anxious to have the matter definitively settled, and the character of the Government vindicated, if the guilt was on the other side of the water. He contended, that all the blood, treasure, and national character lost in this war, would have been saved, by the exhibition of the document, the concealment of which was imputed to Mr. Madison by the French Minister, as was supported by strong presumptive evidence. Mr. H. said, from the time and manner of the promulgation of the French decree,

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and its being promulgated at all, there was cause to suspect that the French Government knew the period, or thereabouts, when war would be declared. Certainly, it being the avowed object of France to involve us in a war with England, after so long denying us justice, and neglecting to repeal her decrees, she would do nothing that would be the means of accommodating our disputes with England. Upon the whole, she had pretty precise data furnished her to regulate her measures by. For instance, the embargo of April 1st, 1812, was laid for ninety days, and was declared to be the prelude of war. From the 1st of April to the 10th May, allowed ample time for the intelligence to be carried to France, and from the 10th May, the date of Bassano's communicating the repealing decree to Mr. Barlow, to the 18th June, there was more than time enough, with the prevailing winds at that season, to bring the repealing decree to this country. Now it never has been satisfactorily explained why the war was declared before the ninety days, the limitation of the embargo, had expired. If the repealing decree came to hand in time to prevent the war, this accounts for the haste, because the Wasp had been despatched from France to England, and it was reasonable to expect, and it was expected, that a corresponding repeal would take place in England, and arrive here before the expiration of the embargo, and thus would this war have been averted. But no, the measure was precipitated, when a few weeks, at all events, would have brought us the repeal of the Orders in Council. Time alone can develop these things, though accident may give us earlier information, and exhibit the whole transaction, mysterious as it now is, to the world.

Under all circumstances, Mr. H. wondered how the people were carried along by the party in power, who always contrived to drown the voice of reason, and to bear down their adversaries by clamor. His wonder somewhat ceased, when he heard that the people, in the section of the country from which came the gentleman who last addressed the House yesterday, never heard, until the last Spring, that there had been any such thing as Orders in Council. Such a mass of ignorance could be led by the nose anywhere, or moulded into any shape that their leaders pleased.

Mr. H. would return once more to the gentleman from Tennessee, (Mr. Grundy,) whom he was not yet willing to leave.

He observed it was a remark made by one of the greatest, best, and most consistent statesmen of this or any other age, that "if any one criterion more than all the rest, distinguished a wise and prudent Government, from an Administration weak and improvident, it was this, well to know when and in what manner to surrender that which it was impossible to keep." Let this maxim be regarded in the present case. It applies to individuals as well as Governments, and they may find their account in respecting the experience of Edmund Burke. I know, said Mr. H., a deaf ear will not only be turned to this advice, but it may be met with sneers and ridicule. I know

sir, it is not in the nature of imbecility and its concomitant obstinacy to benefit by experience, or to acknowledge any other influences, or yield to any other impulses than the passion of the moment. They never draw lessons of wisdom from adversity; for folly is sure to be rendered obdurate by misfortune. You find in private life beings of this description, perverse and headstrong in proportion to the uniformity of their failures and disappointments. Like mules, they plant their feet in the ground, and can neither be led nor driven. Once overreached and pursued by misfortune, they plunge deeper and deeper into difficulty; they will multiply their desperate adventures, from some ten, twenty, to an hundred fold. It is a most desperate gambling policy they pursue, a policy which can alone be likened unto gambling, where the unfortunate adventurer doubles and redoubles his risk, upon the plan of shooting another arrow in the same direction to bring back that which is lost.

The gentleman from Tennessee has said much of British influence, in connexion with his doctrine of moral treason. Before he takes the mote from our eye, let him pluck the beam from his own. Let him judge not, lest he be judged. But, among the leading prominent causes of this war, that of particular foreign predilections and partialities; that of French influence, is never adverted to, but an instant ferment, a flame is blown up in this House, threatening to devour all obnoxious to its fury. Why, truly, sir, said Mr. H., the wonder with me is, that any doubt or delicacy should be felt upon that subject. It is matter of historical record, the annals of all time show it, from the days of the Cæsars down to those of your Napoleons, that all nations, *a concomitantibus, ex visceribus rei*, have had their foreign partialities, their favorites, their allies. I know not that human nature has undergone any such changes as to forbid or refute the supposition of a particular foreign leaning in the councils of our country, for nothing is more natural or easier accounted for. Is not human nature the same in this hemisphere, that it is in Europe? and does not the gentleman know that Holland had her Schimmelpenninck, Austria her Cobentzel, Sweden her old doting treacherous Duke of Sudermania, and Spain her Prince of Peace? At different periods, every nation of Europe, even England once during the Stuart dynasty, has avowed, has not pretended to deny or conceal, an attachment and subserviency to France. And yet, sir, there can be no question, had any one presumed to suspect Godoy on the very day he sold his country, and the wages of treason were paid, his head would have been the forfeit for such suspicion, if within the traitor's reach. So sure is it that tyrants and wicked men, that the guilty, are always most cruel, most implacable, most relentless and sanguinary. They seek to cover their crimes by the effect of terror, rage, and blood. No nation felt this French influence, or more candidly avowed it in her acts, than immortal Russia. Some of her best citizens remained almost to the last under this fatal,

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unnatural delusion. But she saw her error ere it was too late. She saw the abyss yawning before her, and perceived there was no salvation but by breaking up her French connexions. And the grateful acknowledgments of the good and wise of every clime have ascended to the Throne of Grace for her sudden and miraculous deliverance; that she has emancipated Europe, and rescued these States from the awful calamities impending over them from the grave dug for their independence. It is a reflection at which we may well weep, while the poor Cossack of the Don, on the borders of the "frightful climate," was pouring out his life's blood in the cause of humanity, American blood was streaming on the frontiers of Canada. While Napoleon was carrying on "a contest for the Government in Spain," our restrictive energies were withholding from the betrayed patriots our surplus produce.

[Mr. H., being completely exhausted, abruptly concluded, finishing his course of argument.]

Mr. MONTGOMERY rose, and addressed the Chair as follows:

Mr. Speaker, I have risen to give a concise view of the reasons which have determined me to vote against the resolutions under consideration. Whenever I am made to believe, that information sought for by gentlemen, is necessary in order to form a correct opinion as to the course to be pursued in respect to any matter proper to be acted on by this House, I will heartily join in calling for it; and on the present occasion, if I could be convinced that the information sought for would prove that the war against Great Britain was unjust, that we are seeking to wrest from her something to which by the principles of national law she is justly entitled, I would join in the call, and would take such measures as would show that we now abandoned our pretensions and desired peace. But, sir, I cannot take this view of the subject.

I have reflected on these resolutions with a view of discovering whether the information sought for could form the basis of any useful act on the part of this House, or of this Government, and the conclusion of my mind is that it would not; I am therefore resolved to oppose them. I take the object of the mover to have been either to procure the information to serve as the basis of some act of this House in relation to some of our functionaries, the Government or Emperor of France, or the present war with England. Let us then examine them in reference to the first of these objects: if it is intended merely to afford the ground of censure and invective against some one or more of our functionaries, it can produce no good effect, no public benefit could be expected to result; besides, there would be a species of unfairness in the course, as the facts and arguments in defence, on the part of the accused, could not be fully developed. If any misconduct sufficient to ground an impeachment has been transacted, let gentlemen make the charge and proceed by way of impeachment, the subject will then be fully investigated, the accused can be heard.

Let us examine the subject with reference to

the Government of France, and I believe it will be seen that no probable good can result. If it is merely to afford the foundation of philippics against the Emperor of France, I object to it, because I would view it as a waste of time, without so much as the consolation of believing that anything we could say would produce a single instant of disagreeable feeling; and certainly it cannot be intended to pave the way for a declaration of war against that nation, when we have a negotiation pending, to finish which we have but recently sent a Minister.

Let us next examine the information sought for with a view to see whether the justice of the present war is dependent upon it: I hold that it is in no point of view dependent upon the withholding of timely information of the repeal of the Berlin and Milan decrees. This will lead me to take a short retrospect of the conduct of Great Britain and France about the time of the date of the Orders in Council, and the Berlin and Milan decrees, for the purpose of showing the true character of the difference between those nations and this; in doing which, it will not be necessary to ascertain which first aggressed upon our rights, or from which we received the greatest quantum of injury; it will be enough that each has given us just cause of war. It will be recollected that France and Great Britain, after having carried on the present war several years previous to the year 1806-7, with all the rancor which the human mind is susceptible of—each struggling for the destruction of the other—found their efforts unavailing by the ordinary course of warfare. France, inflated with and wielding a power on the Continent rarely witnessed, had been unable to conquer Great Britain by the direct operations of war: Great Britain, powerful on the ocean beyond all example, had been unable to bring France to terms by the ordinary course of war upon her ships, colonies, and commerce. In this state of things, they seem to have determined respectively that everything should yield to their views of mutual destruction and self-aggrandizement; that those principles of natural reason, which ought to govern all nations, and which, under the name of national law, had been acknowledged by all civilized nations, should be no longer regarded: they commenced a system of depredation, of plundering of the commerce of all peaceful nations, each alleging that the course taken was founded in just retaliation. Under this state of things, what was the American Government bound to do? I answer, that at most, barely to demand reparation from both; and upon refusal, she might rightfully declare war against one or both, according to our view of political expediency: We were under no moral obligation to procure a repeal of the Berlin or Milan decrees, as a condition precedent to our having a just cause of war against Great Britain for captures under her Orders in Council; neither were we bound to procure a repeal of the Orders in Council as a condition precedent to a just war against France for captures under the Berlin and Milan decrees. Each had violated our perfect rights, and we had a

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right to select our enemy. As well might it be contended, that a man is bound to adjust the priority of injury between two highwaymen who have at distinct times robbed him, before he shall proceed to enforce the law and recover his property, as to insist that we could have no just cause of war against France or Great Britain, without procuring a repeal of the Orders in Council, or Berlin and Milan decrees.

The American Government it will be recollected endeavored to procure justice, to procure the repeal of these lawless interdictions of neutral commerce by negotiation, and failed. It was then deemed expedient to adopt some counter restriction, with the view and with the hope that it would dispose one or both of the belligerents to act justly. It was highly important to succeed in obtaining justice from even one, as that would have left us to contend single-handed against the other. With this view we resorted to embargo, non-intercourse, and non-importation laws, connected with negotiation. We were bandied about from Paris to Washington, and from Washington to London, to no purpose but to prove the perfidy of the belligerents, for several years. Here, let me ask, whether we are bound perpetually to pursue this course? I think most certainly not. We had a perfect right to cease to endeavor to procure the repeal of either of the belligerent restrictions, and assert our right to the peaceful navigation of the ocean: We did so, and war was declared against Great Britain. I think it but a fair conclusion, from what I have advanced, that the war was just at the time of declaring it, as it stood connected with the Orders in Council. But a view of the war as connected with other causes will go to establish still more firmly the conclusion, and strengthen the arguments before advanced.

We were entitled to compensation for spoliations upon our commerce; and a renunciation on the part of Great Britain of the doctrine of her right to impress seamen from on board American ships; and an abandonment of the practice. As I have heard no person contend that there were not causes for war, according to the principles of national law, it will be unnecessary to stop to prove them so; it will only be proper to remark somewhat on their nature. With respect to the first, I will barely remark, that one of the strongest possible guarantees against the repetition of national injuries, is the exacting complete reparation for past wrongs. With respect to the second, it is in every point of view important: the very end of the institution of Government is violated in respect to our seafaring men, if we neglect or refuse to protect them to the utmost of our power. A second argument is drawn from the very injurious effect the practice would have upon our commerce; it would be in the power of the British Government in this way to supplant us in every market. A third argument to show its importance, is drawn from the inestimable value of personal liberty. A fourth reason for making a firm stand in opposition to it, is, that it is of a permanent nature; it is not one of those rights which

Great Britain sets up as a belligerent right, depending upon the present war; but one which she claims to exercise through all time.

From the foregoing view, the conclusion is much strengthened, that we had good cause of war; and that political expediency required it should be declared is, to my mind, also strongly evinced.

Further, sir, I am opposed to these resolutions, because they seem to imply that we had no cause of war except for spoliations under the Orders in Council, or, that we were willing to abandon the other causes. If these resolutions pass, it might be inferred, and would, I have no doubt, by our enemy, that we now thought we had not sufficient cause of war, without resorting to injuries under the Orders in Council; that we now repented the course we have taken. I am opposed to such policy; nothing can be gained by it, and much may be lost. We have taken a course, it is not unjust, and interest and honor requires we should pursue it firmly, and if possible bring it to a successful end.

Again, sir, I am opposed to these resolutions, because I believe they are ill-timed, and may have an unhappy effect on our negotiations now pending with Great Britain. It appears to me entirely probable, that if the British Ministry are informed of our being about to review the causes which have been alleged for the war, that she will be indisposed to concede anything until she knows the result; this may produce delay, and defeat the negotiation entirely. We ought not to expect reparation, if we but seem to doubt our claim.

It is contended on the part of those that support the resolutions, that the British Government were not notified of the repeal of the Berlin and Milan decrees in proper time; and that the war would have been prevented by a timely notice of the repeal, by producing the repeal of the Orders in Council. It is impossible to know certainly that a repeal of the Orders in Council would not have preceded our declaration of war, if the repeal had been promptly communicated; but, to my mind, there seems to be little ground for the inference, that they certainly would have been repealed, taking into view the terms of the repeal of the Berlin and Milan decrees, or rather the modification, and the kind of repeal which was required by the British Government. Mr. Foster, the British Minister, in his letter to Mr. Monroe, our Secretary of State, dated July 3d, 1811, says "That, whenever France should have effectually repealed her Berlin and Milan decrees, and should have restored neutral commerce to the condition in which it stood previously to the promulgation of those decrees, we should immediately repeal our Orders in Council." This is the language of the authorized agent of the British Government; and, from this declaration, we were required not only to procure from France such a modification as would restore our own commerce as a neutral to its wonted footing, but a complete repeal, restoring the commerce of all neutral nations to the footing upon which it rest-

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ed before the issuing of the Berlin and Milan decrees. The repeal or rather modification of the Berlin and Milan decrees of the 28th of April, 1811, only respected American commerce, leaving the commerce of all other neutrals to their operation. Hence it is evident, that the Orders in Council could not be expected to be repealed upon the production of an instrument merely modifying those decrees to favor the Americans: and this would seem at least a tolerable apology for not giving the British Government early information of the existence of such instrument. It was not such a writing as they required. And, by the way, I think their requisition so insulting and so unreasonable, that no further attempt ought to have been made; it was not enough that we would obtain from France a partial repeal or modification so as to secure our rights, but we were required to engage in the very chivalrous business of being the advocate and champion of all neutral nations, in order to procure the exercise of our rights.

But, sir, I do not believe the repeal of the Berlin and Milan decrees was the true cause of the rescinding the Orders in Council. The Prince Regent, in the instrument repealing the Orders in Council, expresses his opinion that the French repealing decree was not such as had been required; from which, believing as I do, that he was not disposed to yield to the United States or any other nation anything through mere courtesy, I infer that some other reason or cause induced the repeal. More than a month elapsed between the notification of the repeal of the Berlin and Milan decrees, before the Orders in Council were repealed. Another reason to show it improbable that the one was really the cause of the other: It will be recollected, that great complaints existed in the great manufacturing towns of Great Britain on account of the operation of the Orders in Council; that a lengthy investigation was had in the House of Commons to ascertain their effects upon their own commerce and manufactures. Now, sir, I believe that the result of this inquiry was, that their own restrictions were recoiling upon themselves; that their own manufactures, one of the main pillars of their opulence and power, was about to be sapped, and the nation vitally injured; and this I believe was the real cause of the repeal of the Orders in Council. The modification of the Berlin and Milan decrees happily presented an apology, and rescued them from the open shame of being obliged to abandon their own measures without a plausible reason.

It has been contended by some of those who support these resolutions, that if the Orders in Council had been repealed, we would not have gone to war on account of the doctrine and practice of impressment; and they infer this from our Government failing to press the subject of impressment for some time in the course of the last attempts at adjustment by negotiation. To this I answer, that it is impossible to know what course our Government would have taken; but it is very clear to me, that this nation would have shown an astonishing indifference to its honor

and interest to have abandoned the ground which it had taken, and ably maintained by argument, in relation to this point. But I conceive there is a very satisfactory reason, why the American Government did not continually press this point: this was a matter in which Britain stood alone; it did not depend upon the war; it was important to adjust with one of the warring Powers the differences connected with the war, with a view to placing one of them more directly and exclusively in the wrong. This I take to be the true reason why the point of impressment was not so constantly pressed, and not that our Government viewed it as inconsiderable in its nature.

If my view of the effects of these resolutions be correct, they ought not to pass, because the information sought for, be it what it may, cannot form the basis of any useful public act; and because the passage would seem to imply that we have no cause of war against Great Britain but what was connected with the Orders in Council; and because their passage would be ill-timed, and may injuriously affect our present attempt to negotiate with Britain.

Mr. TELFAIR expressed his regret at the range that this question had taken, though an apprehension of the reality had been excited by the introduction of the resolutions before the House. He arose not to follow the example of gentlemen, but to exhibit it in a point of view in which, to his surprise, it had not yet been presented. Sir, the question of the policy, the justice, or necessity of a declaration of war is not the one now before the nation—it is idle to spend time in debating it—the special and important objects of this session will not sanction the discussion of it. It has not only been discussed in its proper place, but was renewed at the last session, and the causes most ably developed. May I be excused, sir, in expressing an apprehension that the consciousness of defeat at that time has induced the opposition to renew their charge at this session, goaded on as they are by recent mortification, and cheered by the enchantments of existing hope. But, sir, is there no termination to a question of this sort? Is every effort of the Government in prosecuting the war to be clogged by details of the causes which produced it? What, Mr. Speaker, is the acknowledged definition of war? It is the combined energies of one nation brought forcibly into action against the united exertions of another, legitimately authorized by either. Who, sir, under our Constitution, is authorized to declare war? Not, as in England, a capricious or ambitious monarch; but the Congress of the United States—a body taken from the people, and liable again to return among them—emphatically, sir, the people themselves. Surely, then, when the nation is legitimately declared to be in a state of war, when, in the language of the definition, the people are called upon to unite in resisting foreign dominion—when the enemy is knocking at your very doors, it is the duty not only of the minor officers of this country to stand forth in its cause, but it is more imperiously the duty of every branch of that power which had declared it to

prosecute it with vigor, to the intent that an honorable and permanent peace may be secured. The declaration of war, when legitimately made, is like every other truth demonstrated to the human mind, which is ever after received as an undeniable proposition, whence to deduce other consequences, until refuted by additional developments of the same faculty which established it. But the same authority under our Constitution which declared the war is not adequate to a restoration of peace. Hence, the want of complete analogy; hence, when the Congress have declared the nation in a state of war, its judgment is final as to itself—to prosecute it is within its competency; but legislation for a peace is by this act transferred to the treaty-making power. But, sir, further, this is defensive war; for that nation which has committed the first aggression upon some primary or essential right of another, has commenced the act of war, and that other which reacts under a declaration, whether by retaliation or otherwise, is on the defensive. Yes, sir, such a nation is on the defensive, even though an attack upon the enemy in his own quarters be made, in order to secure you from future harm. And will gentlemen pretend to say that Great Britain has not committed glaring outrages upon the primary and essential rights of this nation; that she has not levelled a deadly blow at its very independence? That she has not essayed to bring us back to a state of colonization? Was not the requisition to pass all of our vessels through her ports, there to pay a tax or duty, in the form of license, such an outrage? Was not the extensive blockade of the ports of Europe, without an adequate force, under which our vessels were rifled, such a violation of the fundamental principles of national law as to justify this nation in resistance? Was not, I ask, sir, the horrid usurpation of impressing American seamen, of consigning them to the most cruel of bondage, that under which they might be compelled to serve as instruments in heaping insult and injury upon their own nation, upon their countrymen, their brethren, an encroachment of the most daring kind—a violation of a primary and essential right of this nation, such as called for manly reaction on our part?

Gentlemen, in the course of debate, have revived the insulting, and I had hoped obsolete charge of French influence. It is not, sir, in my nature to enter a defence, which would be as degrading to me, as derogatory to the Chief Magistrate of this nation, whose enlightened and liberalized mind early rose superior to that unhallowed selfishness of soul which grasps at the trappings of aristocracy, and with conscious littleness shrinks from the sacred principles of Republicanism, because it affords no artificial props to ephemeral greatness. The private as well as public virtues of this man so effectually shield him from the shafts of unjust insinuations as to need no vindication. I speak, sir, with freedom, because I am conscious that those who know me will not believe me capable of flattery. As I should despise more than I can express the Administration sus-

ceptible of such an influence, in like manner is my abhorrence of such a charge made upon any other than the most irresistible evidence.

Sir, the gentlemen who repeat this charge should recur to the source whence so degrading an imputation first emanated. He who first proclaimed the existence of French influence in this country was proven an abhorred and cruel traitor. Yes, sir, the first tongue which dared to utter such an insinuation was that of the ever accursed Arnold—let gentlemen then pause, and weigh well the motive of such a charge. But let me not, hence, be supposed to accuse every one who repeats it of nurturing the same execrable spirit—no, sir, I dare not wrong myself by uttering so unwarranted an accusation against honorable members; yet I would expect of gentlemen to refer to those sentiments of honor which are their boast before they repeat so foul a charge derived from so infamous a source.

Mr. Speaker, much time has been wasted in reviewing the insults and injuries inflicted upon this nation by the Government of France—wasted, I say, because it is not accompanied by any proposition, on the part of those who have done so, to resist them by a declaration of war—wasted, sir, because they aim at no practical result. All that I have to answer is simply this: both Great Britain and France have committed outrages upon this nation sufficient to justify on our part the most determined war, and consequently whichever of them had been selected would have presented to my mind ample and sufficient causes for its vigorous prosecution. Upon my entrance into this body, I find the nation involved in a war forced upon it by the injustice of the enemy; and because another Government has been hardly less iniquitous, I see no reason for abandoning the attitude which a prior Congress had assumed, even though it were admitted that this body as such had a right to do so, the contrary of which I have endeavored to prove. As a general principle, it is certainly true, that where the genuine interest of the country has been compromised by its Administration, it becomes the duty of every good citizen to hold it up to the view of the people in its real character, that no future confidence may be reposed in it. But it is equally true, that where the Government has been driven to its final resort by the aggressions of a powerful enemy, it then becomes the duty of every good citizen to hesitate before he attempts to expose those matters to the world, properly within the Executive discretion; for the same medium which would convey to the people the errors of its agents at this time, would also expose to the enemy the weakness of the Government, and its inadequacy to support the cause in which it is engaged. And, sir, I am emboldened to say, that in relation to the question before us, there can be no discrimination between the Administration and the country; on the contrary, there is a complete identity. An individual, at this crisis, attempting to unfold the matters connected with the negotiations between this country and the two

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great belligerents of Europe, before our declaration of war, should recollect he is doing more than exposing the weakness of their agents to the people, the rightful sovereigns of the nation; he is exposing the defects of his own Government to the enemy; instead of closing, he is widening the breach; instead of strengthening the arm of his country, he is weakening its energies. But these gentlemen profess to be the friends of peace. If sowing seeds from which inevitably spring dissensions, evinces a love of peace; if debilitating their own Government, and thereby encouraging the enemy, mark the character of a pacific disposition; finally, if local predilections countenancing sentiments tending to disunion, are peculiar to the man of peace, I shall not envy the title. But, sir, from the generality of my positions, two presumptions might possibly be assumed by some as necessary consequences: either that I would limit the freedom of the press in seasons of danger; or that a consciousness of something wrong in the Cabinet, as it is called, would induce me to screen it from investigation. Let me be understood to have advanced a principle intended to have a moral, not a coercive operation. No member of this House would be found more unwilling to restrain the freedom of the press; I would permit its widest latitude, except where its object was undeniably to aid the enemy; I would not forcibly restrain its most unrestrained licentiousness when applying its scourges to public agents; after travelling through the whole circle of licentiousness, I would let it stand self-convicted and self-converted. Further, I fear not the test of these resolutions; I feel perfectly assured that the answer of the Executive will be such as to enhance its character; and if the resolutions were in themselves proper, and the answer could be confined to the people of this country, I should be found among their warmest advocates.

I am now, Mr. Speaker, brought to the special reasons which will induce my negative to these resolutions. It has been admitted by the gentleman from Virginia, (Mr. SHEFFEY,) or the mover of these resolutions, (Mr. WEBSTER,) I cannot distinctly recollect which, and if I err in the reference, I assert the fact myself, that the resolution introduced at the close of the last session, and answered by the President, embraced all the matter in general terms, contained in those now before the House, so far as is consistent with the relative characters of the Executive and Legislative branches. It was in these words:

“Resolved, That the President of the United States be requested to be caused to be laid before this House the French decree purporting to be a repeal of the Berlin and Milan decrees, referred to in his Message of the 4th of November last, together with such information as he may possess concerning the time and manner of promulgating the same; and also any correspondence or information touching the relations of the United States with France, in the office of the Department of State, not heretofore communicated, which, in the opinion of the President, it is not incompatible with the public interest to communicate.”

This House, then, sir, had made a special call upon the Executive as to the time and manner of the promulgation of this decree; they made a general call as to all correspondences and other information touching the relations between this Government and that of France, with the usual exception of such matters as the public interest forbade him to communicate. This resolution having been answered by the President, enclosing the documents desired, what, I ask, sir, was the fair and reasonable presumption? Certainly that the President had done his duty; that he had communicated all the information in the Department of State not within the express reservation or exception contained in the resolution itself; and this belief, no doubt, upon the receipt of the President's answer, existed in every mind, until the assertion of the Duke of Bassano, not repeated in his note to Mr. Barlow, destroyed in some minds this fair presumption. This presumption, which in the discussion of a contested election the day before yesterday, was urged with so much pertinacity and success by the gentlemen on the other side of the House, the advocates of these resolutions seem now to have abandoned or forgotten. A sheriff in that instance had been required by the law to administer an oath to the clerks of election, but no certificate of such oath appearing on the returns, the petitioning member avers that it was not administered; but, sir, such regard had the gentleman for the reputation of this officer, that this presumption was sufficient to repel the assertion of a respectable individual, formerly a member of this House, and at that time petitioning to be admitted in lieu of the sitting member. This presumption in favor of the officer, I believed with them to be founded in sound principle, and its influence was visible on the vote of this House—a principle whose influence cherishes, not only the character of the honest officer of the Government, but pervades every class of the community—for every man is presumed innocent until proven to be guilty. But, forsooth, this principle in every other situation so sacred, when applied to the Chief Magistrate of the United States, is rejected—to him it furnishes no protection. A being whose character has been portrayed with a pencil dipped in acrimony; a being whom the opposition have described as the mere creature of Bonaparte, the prime agent of the destroyer of Europe, is to absolve, by a mere *ipse dixit*, this fair and most reasonable presumption. Upon the declaration of such an individual in the conversation with our Minister, that the decree had been communicated to the predecessor of Mr. Barlow, the presumption that the President had done his duty, had communicated everything relative to its promulgation which the interest of the country did not forbid, suddenly vanishes—an effect which the assertion of the most respectable freeman of his country would not produce under like circumstances, if uttered against the most insignificant officer of the Government. This enchantment, indeed, looks like French influence; and, sir, we have

strong reason to apprehend that the morality of this new standard of veracity—this same Duke of Bassano—will supersede the doctrines of that good pious soul the Prince Regent, the bulwark of our religion.

But to be serious, sir, I am one prepared to give the preference to the implied assertion of the President, that other information was not in the Department of State, or if there, the public interest, in his estimation, forbade its communication. Sir, though I have no apprehension but that the President will be able to return an answer to these resolutions, honorable to the Government, permit me to close with a single illustration of the principle with which I commenced. When the great navigator Columbus conceived the existence of a new world, much opposition naturally arose to the enterprise—it appearing to many too visionary and replete with difficulties. Such opposition, under such impressions, was certainly justifiable. The mariners who afterwards associated themselves with him would indubitably have been justified in refusing to embark; but after the voyage was commenced, when within a few day's sail of land, who is not filled with emotion upon recurring to the murmurs and violence threatened? Who does not rejoice in the compromise which was rewarded by a new world; else what had been the unborn greatness of this Congress itself? Sir, I instance this merely to show that an opposition may at one period be justifiable and not at another—prior to its declaration was the time to have opposed the war.

Mr. PEARSON addressed the Chair as follows:

Mr. Speaker: I rise to address you under circumstances not the most favorable to myself; nor can I indulge the expectation of obtaining the patient attention of the House at this late hour of the day, and after a discussion, on the part of some gentlemen at least, so able and so interesting. But, sir, impelled by a sense of positive duty to myself, and to those good men who have placed me here as their representative, I cannot for a moment hesitate to forego all considerations of personal convenience, to do that which every gentleman of the minority, in the habit of speaking, ought to do, protest against the abominable, the slavish doctrine advanced, and repel the charges and insinuations made by the member from Tennessee, (Mr. GRUNDY.) It is not, however, my purpose solely to notice the remarks of the member from Tennessee; nor shall I pursue other gentlemen through all their windings and turnings, in the wild, wide range they have taken in this debate. The proposition before us, demands some attention. It is plain, simple, and distinct; it is an inquiry for "the truth, the whole truth, and nothing but the truth," in relation to a subject deemed vitally interesting to us as a people—involving the reputation of our Administration and its agents, or that being and his agents, who tells us he loves us, and we are doomed to call our ally. To gentlemen situated as the honorable member from Kentucky, (Mr. McKEE,) who was ignorant of the call made on

the Executive last session on this subject, and the result of that call—to some gentlemen who have just taken their seats in the House for the first time, the resolutions under consideration may appear unnecessarily definite and inquisitorial. They might well imagine, that a general resolution, in ordinary form, would bring forth all the information now desired. The reasonableness of this opinion proves, incontestably, the propriety and necessity of the course now proposed. A general call, such as that proposed by the gentleman from Kentucky, was made near the close of the last session of Congress. The terms of that resolution were sufficiently broad and comprehensive to authorize the expectation, that the information sought for would be obtained. What was the fact? In the night, and at the last hour of the session, a confidential Message was received from the President containing those garbled extracts which have excited so much suspicion and indignation, which evidently left a tale behind, which it is our purpose and our duty to unfold. It is a fact also, not unworthy of remembrance, that in reply to a call of the Senate on this same subject, the like extracts were given under the injunction of secrecy. Is it not a theme for curious speculation, to know what high and weighty considerations of State rendered necessary a pledge of secrecy on the part of both branches of the Legislature, as the condition on which those precious extracts should be made known to them; and what sudden change of policy should have absolved the members of this House from the pledge of secrecy, which for several weeks had been imposed on the Senate? What was the real motive for keeping those papers from the public eye is to me unknown; and I trust, other considerations, than the mere convenience of the galleries, authorized their public disclosure.

Mr. Speaker: In a Government like this, where not only freedom, but publicity of debate is guarantied by the charter of our rights; where the people have the right to know, not only what is done, but how and by whom, all transactions enveloped in mystery, or clothed with secrecy, naturally excite suspicion, and not unfrequently alarm. This will continue inseparable from our nature, whilst a vestige of liberty remains. It is that characteristic of freemen which distinguishes them from the slaves and sycophants of power. Here let me tell gentlemen, whatever may be their opinions, however honest and unbounded may be their confidence, there does exist no slight impression among many of our best and wisest men, that all is not right in the relations of this country with the Government of France—that "something is rotten in the state of Denmark." Whether this impression be well or illy founded, is not for me to say; but when we reflect, that amid this massy pile of documents, with which your tables are breaking and your shelves are groaning, so few pages are to be found in relation to our complicated concerns with France, scarcely one entire letter to be seen, and no where to be heard a bold, dignified and spirited tone of remonstrance

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against the monstrous wrongs and galling insults of the tyrant who rules that devoted nation: When it is recollected, also, that there is a private chest, a box of arcana in the vaults of this House, whose contents, though almost moulding with age, have not yet seen the light; and of whose importance many gentlemen of this House can bear testimony, particularly the honorable gentleman from Massachusetts, (Mr. PICKERING,) who but lately, whilst a member of the Senate, underwent a sort of ordeal for having impudently, or inadvertently, brought to the light one of those hidden offsprings of French intrigue, still too tender for exposure. When all these things crowd upon our recollection, and when it is evident, as has been shown by my honorable friend from Maryland, (Mr. HANSON,) from the written testimony of your late Secretary of State, (a man then high in your confidence,) and for a supposed insinuation against his veracity, the nation was nearly set into a flame, and the offender, a man in the character of a messenger of peace, banished like a culprit from our land; that the Executive of these United States did, after the arrival of the French Minister Serrurier, in the month of February, 1811, refuse to permit necessary and proper inquiries to be made of him, in relation to the pretended repeal of the decrees of Berlin and Milan, and did permit the unfortunate law of 2d March, 1811, to be passed, (confirming the erroneous and fatal proclamation, of the 2d November, 1810,) under the false supposition that the French decrees had been repealed, when almost every man doubted, and many of the most intelligent denied the fact, without allowing those inquiries to be made, which would have elicited the truth, dispelled our doubts, and saved the nation from the gulf into which it has fallen. With these and many other facts and circumstances (some of which perhaps I may have occasion to notice in the course of my remarks) fresh in the recollection of a free, a jealous, and enlightened people, is it, ought it to be a matter of surprise even with the most confident believers in Executive purity and infallibility, that such suspicions, such impressions as I have stated, do exist? No, sir, the wonder is, they are not universal. I hesitate not to say, I never have considered the communications from the present and late Executive, on the subject of French affairs, sufficiently full, free, and entire—they have in general been characterized by a tameness of expression, easily mistaken for the language of apology. Indeed, our late Minister in France, (Barlow,) from his own showing, disdained not to become the apologist of France for acts of the most flagrant and wanton injustice, which the agents of that nation did not deign to palliate or excuse. Witness what he said in justification of our trading under French license. Witness his excuse for the seizure and judgment of confiscation of the brig *Belisarius* and cargo, by the Council of Prizes, in January or February, 1812, because this vessel and cargo were liable to the decree of Milan, of the 17th December, 1807. Witness the reasons he urges for the promulga-

tion of the paper in question, purporting to be a repeal of the decrees of Berlin and Milan, bearing date 28th April, 1811. He shrewdly conceived, after the appearance of the declaration of the Prince Regent of the 21st April, 1812, that a document might be exhibited, so carved and cut and antedated, as to satisfy the incredulous of his country, and still steer clear of producing a repeal of the Orders in Council. He did not ask it for his own satisfaction, or that of his Government. No, he was perfectly satisfied that the Berlin and Milan decrees had ceased to be applied to American vessels. And why?—because America did not permit her flag to be denationalized. In other words, because America had conformed to the principles of those decrees—she submitted to them, and claimed the benefit of exception, expressed in the decrees themselves. Yes, sir, here is the only true reason why our vessels are or have at any time been exempted from the full effect and operation of those decrees. It is an admission supported, to my understanding by the most incontestable facts, that those decrees are not, and never have for a moment been repealed; that no exemption from their rigid operation, in our favor, was ever admitted till after the proclamation of the President was received in France. Even that proclamation did not arrest the progress of seizures and captures; it had the effect only of continuing our property in a state of sequestration, mortgaged as security for further resistance to Great Britain, which was accomplished by the law of March, 1811; and not until the knowledge of that law in France, was there a single case of an American vessel captured since the 1st of November, 1810, that had been released, or even had a trial. Strange, then, that gentlemen will still contend, as some have this day, that those decrees ceased to violate our neutral commerce on the 1st of November, 1810, and that there have been no cases of seizure, capture, and condemnation, under them, from that time to this. They might as well have said, there had been no burnings either. The truth is, there have been seizures, captures, and condemnations, almost uniformly during the whole period. I defy any gentleman to produce a single case where a decision has been made by the Council of Prizes, the regular tribunal for pronouncing the law, exempting American vessels from the operation of those decrees. On the contrary, there are cases of their express application—condemnations have been made of American vessels within the period alluded to, by the Council of Prizes—among other reasons for having violated those very decrees. I can here instance the ship *Julian*, and *Hercules*, and others, which have been furnished from the Department of State. The fact is this, sir: since we have taken up the business of resistance in conformity to the dictates of the Berlin and Milan decrees, the Emperor in his good pleasure, has, by his own special interposition, released many of our vessels which would have otherwise been condemned, and thus our submission to, has been transformed into a repeal of his decrees. But, sir, why labor this subject, already worn

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threadbare. The Emperor himself has proven that the famous letter of 5th August, 1810, did not warrant the assertion that his decrees were repealed, and thus does he give the lie to the proclamation of your President. Mr. Speaker, in addition to the important disclosure already stated on the authority of your late Secretary of State, permit me to refer to the same authority, for evidence of a most important fact of concealment, or withholding information, in relation to the views and intentions of the French Government; which, had it been disclosed, would or ought to have been all essential to the deliberations of this House, and ought of itself to have prevented the enactment of that unwarrantable and fatal law of March 2, 1811. The fact is this: That on the 22d of February, 1811, previous to the passage of the law of March, and whilst it was under consideration in the House of Representatives, the French Government did, formally and officially, through their Minister, Mr. Serurier, make known their determination not to restore the property which had been seized and condemned in the ports of France.

It will be recollected, by the construction which the President himself gave to his own powers under the law of May, 1810, as expressed by the letters from the Department of State to the American Minister in France, of 5th June and July, 1810, that the restoration, or satisfactory assurances of indemnity for the immense amount of American property unjustly seized and condemned in France, was made an indispensable pre-requisite—the *sine qua non*, to the enforcement of the non-importation against England, and the contrary as to France. With this declaration before us, and before the world, was it just, was it fair, was it consistent, to withhold from the Legislature of this nation, the knowledge of the fact that the property of our citizens would not be restored—that this indispensable pre-requisite would not be complied with? Could we with a knowledge of this fact have passed the law of March, 1811? Would we have done a deed so pregnant with mischief, and which has brought forth the calamities we now endure?

Mr. Speaker, will it be said that the evidence of your late Secretary of State, has lost its conclusive authority with many of his former admirers? be it so; the facts, however, here stated, never have been denied, they are susceptible of proof, and you are pointed to the witness.

The statement receives additional confirmation to my mind, from having been told by a gentleman of unquestionable veracity, about the time of the present French Minister's arrival in this city, that the late Secretary of State informed him, that he intended to relieve Congress and the nation from the suspense and doubt which existed in relation to the repeal of the French decrees, by being very explicit and decisive with the new French Minister, on the subject—or words to this effect. Sir, the note he prepared was explicit and decisive; but it was explicitly and decisively refused to be sent by the higher authority. Well do I remember the history of

those times, and although I never for a moment believed in the fair and *bona fide* repeal of the French decrees, I participated in the general satisfaction expressed on hearing of the arrival of the French Minister at Norfolk—believing the period was then at hand, when all doubt, all embarrassment on the question of the pretended repeal would be removed, and the real state of our relations with France made bare to the nation. The dubious, unfixed, and tardy course of the Committee of Foreign Relations at that period cannot be forgotten—even their labors were suspended for the event. Sir, the Minister arrived, but our fond expectations were blasted, not a word, not a whisper of intelligence reached this House; we were left still to grapple in the dark; the Committee of Foreign Relations hurried through the law of March, 1811, the effects of which are now scourging this land. What our disappointment was on this occasion, can well be imagined; but what our indignation ought to have been, when made acquainted with the cause of this disappointment, cannot be expressed.

One word more, sir, on this hated subject of French decrees. I have stated, at the time of issuing the President's proclamation, and passing the law of March, 1811, I did not believe in their repeal; and here I will take occasion to remark, that, independent of other evidence, the testimony of Mr. Jonathan Russell, then our agent in France, in his letters to the Department of State, during the winter of 1810-'11, tended strongly to confirm this opinion; the facts he relates in relation to the seizure of the New Orleans Packet, the schooner Friendship, and, others, and his reasoning on those facts, are not only conclusive as to the continued operation of those decrees, but that he knew they were not repealed. This gentleman, however, seems subsequently to have changed his opinions, and yielding perhaps to an impetus not to be resisted, labors to prove that we were not shuffled into the lead, where national honor and the law required us to follow. As this gentleman is one of the persons implicated in the subject of the present inquiry, let me say, whilst I remember it, that so far from having the terms of those resolutions narrowed, or the inquiry more limited, I would suggest to the honorable mover the propriety of adding an interrogatory to this effect—whether Mr. Russell has, by any public official communication, denied or admitted the charge made by the Duke of Bassano, that the decree of the 28th April, 1811, was communicated to him at or about the time of its date. No private or verbal declarations on the subject ought to satisfy us.

Mr. Speaker, I profess no peculiar solicitude for the personal honor of the Executive, or any of his agents who have been figuring at foreign Courts; much less do I profess or feel for the tyrant of France, or his minions who have shared in the disgraceful transaction which forms the subject of this inquiry. Nor, sir, do I assert any peculiar claims to those stern virtues which distinguish the enlightened statesman and devoted patriot—all I profess is a just respect for the constituted au-

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thorities, obedience to Constitutional laws, love for my native country, and the character of an honest man. It is perfectly immaterial to me what is the object of those resolutions, or what use may be made of the information when obtained; for me it is enough to know, that guilt of the most damning hue does exist, whether at the Palace, the Tuilleries, or among the sub-agents, ought to be known, and the just vengeance of an injured, indignant people, light on the guilty head. As one of the people, and as the representative of thousands, I demand this information as a right, as an act of justice.

The member from Tennessee (Mr. GRUNDY) has, I presume, for the purpose of justifying the declaration of war against Great Britain, and lessening the effect of our representations of French enormities, reminded us of the result of a motion made by a gentleman from Kentucky, (Mr. McKEE,) to include France in the declaration of war. This is not the first time that circumstance has been alluded to, with an emphasis and an air of triumph ill-becoming so poor a victory, and had indeed must be that cause which boasts of such success. Had I not been a member of this House long enough to have learned not to be surprised at anything done or said here, my astonishment would have been excited at the bare mention of the motion of the gentleman from Kentucky, by any member of the majority acquainted with the result and the circumstances under which it was made. Had not every measure of that session, every syllable which fell from the lips of the majority, and every act of the Executive, pointed to Great Britain alone as the object of the war? Had we not been told, that the return of France to a sense of justice demanded our resistance to Great Britain? Nay, were we not amused with the prospect of early negotiation, and strict amity with that nation, down to the moment of plunging into this war, and indeed ever since, as far as amusement was to be found in such prospects and such representations? Had not the Message of the President, recommending an immediate declaration of war, been received, and were we not in Committee of the Whole, with closed doors, on the declaration of war itself, when the motion of the gentleman from Kentucky was made? Who supposed that motion bore a serious aspect, or had been made the subject of previous deliberation? Who voted for it? Substantially nobody. Some eight or ten members on both sides of the House rose on the question; no discussion took place, except a few remarks from the mover, and no decision was even asked for by the House. If this motion ought to have been adopted, whose fault was it that it was not? The majority; they alone had the power. If it was properly rejected, why exhibit it now as a charge against the minority? The truth is, the motion was considered as calculated, if not intended, to commit the minority. It was known they professed themselves the friends of peace, they would not vote for the declaration of war. Suppose, then, they had voted to include France, and ultimately, as they did do,

voted against the war, what would have been your language—how much more splendid your triumph? Then would you have chanted with more melody, "Moral traitors! Friends to the fast-anchored isle!"

Such was the nakedness of your preparations, and the poverty of your finances, that I deemed any war, except a defensive one against the encroachments of the savages on your frontier, as little short of infatuation, of perfect madness.

Under such auspices and such commanders I shrunk from involving my country in the horrors of such a contest. The issue, thus far, has but too fatally realized my fears.

Mr. Speaker, the member from Tennessee, (Mr. GRUNDY,) in reply to opinions advanced by gentlemen on this side of the House, that the Orders in Council were the great leading cause of the war, and a knowledge of their repeal would have prevented the declaration, has asked for the evidence on which those opinions are founded. Sir, in the absence of those volumes of testimony, which do exist, and are to be found in almost every page of the correspondence between the two Governments, down to the very moment of declaring the war, and without recurring to the speeches of that gentleman and his friends during the war session, sufficient evidence is furnished by the gentleman himself to his own question. He says it is uncertain, no man can tell whether war would have been declared if the Orders in Council had been repealed. What does this prove? That neither the gentleman himself, or any other member of the Committee of Foreign Relations, deemed it of sufficient importance, or took the trouble to ascertain their own, or the sentiments of others on the question of impressment, the sole alleged object for now continuing the war. Can it be that the gentleman, in his zeal to ascertain who would vote for the war, did not stop to inquire why and wherefore they would thus involve their country? I cannot suppose the Committee of Foreign Relations thus negligent, or the other members who voted for the war so fatally bent on mischief. In addition to this, declarations of gentlemen on this floor, and in private conversation on this subject, render the conclusion irresistible, that the war would not have been declared had the Orders in Council been repealed; unless, indeed, we had become so furious as not to be appeased but by this feast of blood.

Mr. Speaker, whether the promulgation of the French repealing decree, of April, 1811, at the time it bears date, would have produced a repeal of the Orders in Council, is perhaps, at this time, a question not very essential to decide. It has, however, received much importance from this discussion. In reply to a remark from the honorable mover of the resolutions under consideration, and an opinion advanced by the gentleman from Virginia, (Mr. SHEFFEY,) the gentleman from South Carolina, (Mr. CALHOUN,) not content to permit the effect of the promulgation of the French repealing decree, at the time it bears date, to remain a matter of opinion and speculation, not content with merely controverting, by

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argument, the opinions which had been advanced, he, in a tempest of zeal, and in language peculiar, undertakes to prove, beyond the possibility of a doubt, to put the question forever at rest, and fix falsehood on him who "dares hereafter to say, if 'the French decree of repeal had been known, 'the British Orders would have been repealed, 'and the war thus prevented." Mr. Speaker, I will not follow the example of the gentleman from South Carolina, by hazarding a positive assertion on a question susceptible of doubt, and depending on motives in other breasts, impossible for us to ascertain; but I dare to say, the gentleman has fallen far short of convincing me of the correctness of his position, or of putting the question at rest. So far, then, as depends on the evidence of opinion, founded on a knowledge of facts before us, I must dissent from the opinion so confidently expressed by the gentleman from South Carolina, (Mr. CALHOUN.)

It is true, the declaration of the Prince Regent of the 21st April, 1812, and some of the letters of Mr. Foster, near the close of his correspondence with the Secretary of State, required the repeal on the part of France to be absolute and unconditional. It is equally true, that the last letter from Mr. Foster on this subject, (and that, too, after he had received the declaration of the Prince Regent) declares the repeal of the French decrees as preliminary to a repeal of the Orders in Council, to be such as we had a right to require in our character of a neutral nation. It will also be recollected, that the question between this Government and Great Britain was, whether the decrees of France had been repealed at all, and not as to the extent of that repeal. The British Government denied the letter of the Duc de Cadore, of August 5th, to amount to a repeal, and required some authentic document of the fact. We contended that the letter of the 5th August, together with the late practices of France, in relation to us, were satisfactory evidence to entitle us to an abrogation of the British orders. Thus, all discussion, as to the partial suspension of the French decrees, or our conditional and partial exemption from them, entitling us to the like exemption from the British orders, was perfectly superfluous—an argument from premises totally denied, and stated by Mr. Foster, in the correspondence relied on by gentlemen on the other side of the House, to be altogether unnecessary and irrelevant. The declaration of the Prince Regent, so far from assuming higher ground than had been before occupied, always appeared to me to have been intended to furnish an opening for the promulgation of any French repealing decree that might exist, and if none did exist, that we might, more consistently with our former admissions, require one to be issued. This is inferred by the declaration, insisting only on the promulgation of a repealing document, regardless of its construction, or the practice under it, as preliminary to the repeal of the Orders in Council. It is fair to argue, from what has, to what would have happened. The Orders in Council were repealed as soon after the appearance of the French repealing decree, as the unsettled state

of the British Cabinet would admit; and the reason given for this change of policy was the promulgation of that decree—the difficulty gentlemen find in tracing up any other cause, proves what has been alleged to be the true one.

Some gentlemen have attributed this sudden and important change of system to the clamor of the manufacturing interest. Sir, this clamor was of no recent date. It was as loud on the 21st April, the date of the declaration of the Prince Regent, as it was on the 23d June, the day on which the orders were repealed—the result of the examination in Parliament on the subject, was, I presume, as well known on 21st April as on 23d June. In addition to this, were we not informed by the Executive himself, within a few days of the declaration of war, that no prospect of a change in the British policy existed? Was not this the language of our agent in London, and did he not tell us that war was inevitable? It cannot then, be, that this was the real cause of the repeal of the Orders in Council.

The same, and other gentlemen, have, in their laborious and sagacious search for a cause, ventured to attribute no inconsiderable share in producing the repeal of the Orders in Council, to the armor and attitude assumed by the Message of the President—backed by the Report of the Committee of Foreign Relations, and those expenditures which followed in their train. Unfortunately, this supposition, like the preceding, is opposed by facts which cannot yield to this sort of speculation. The Message, the Report of the Committee, your Army bill, and threatening war speeches, were known in England before the declaration of the Prince Regent, and long before the repeal of the Orders in Council; no effect was produced—your agent in London tells you none would be produced. The British Minister here manifested no alarm, but agreeable to the opinion of those same gentlemen he was instructed by his Government to make a stand in relation to the Orders in Council, which dissipated all hope of obtaining their repeal, but by an appeal to arms. If, indeed, the British Government were frightened at the aspect of war which was here exhibited—pity it is, the scare-crow system had not been longer kept up, and preserved from the vision and the touch the living skeleton of this war.

If, Mr. Speaker, I should happen to be wrong in all I have said, one short view yet remains in which perhaps I may be more fortunate. I ask any honorable fair-minded man in this House or this nation, if we ought, if we could, consistently with the justice and honor of the country, or consistently with those principles professed by the Administration, have declared war against Great Britain at the time we did, and for the causes alleged, with a knowledge of the insidious, insulting and mysterious decree of the 28th April, 1811? Is it possible, that the sensibility of this nation was so far dead to the wrongs and insults of France, as not to have been aroused by this burning sarcasm, this mark of low contempt and pointed scorn? For the honor of the Legislature of my country, I think it would have stayed the

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arm uplifted for this war. It would have made them pause, before they summoned up all their strength, and poured out the full vial of their wrath, against the nation with whom we are in conflict. Justly, then, may it be said, that no human punishment can reach the complicated guilt, which lies concealed amidst those transactions which we ask to be unfolded by the resolutions on your table.

Mr. Speaker, a member from Tennessee (Mr. GRUNDY) finding, perhaps, that the fruitful crop of laurels which was to have been gathered in Canada, and with which, it was imagined, long ere this, the warrior's brow would have been entwined, is fast fading on its native rocks—finding, perhaps, the temporary frenzy which this war and its authors had excited, fast subsiding, by the pressure of events and the influence of common reason, seems to have abandoned all hope of glory; and so far from being the laureat of the hero's praise, descends to the invidious task of an accuser—and the manner of his performance is not less extraordinary, than the office is unenviable. He charges the Opposition with this war and all its calamities.*

If every manly, honorable and patriotic exertion in our power to prevent this war and its horrors, constitutes guilt, then indeed are we guilty. If every fair and Constitutional effort made by us to rescue our country from this disastrous, ruinous war, and save our Constitution and form of Government from the wreck which threatens it, is deemed a crime, then we are criminal. But, sir, when the mist which surrounds us shall have passed away, and whilst a single trace of those old lines remain which separate vice from virtue, guilt from innocence, and truth from error, those our crimes, will be our proudest, brightest virtues.

Mr. Speaker, the gentleman (Mr. GRUNDY) has ventured to advance a doctrine on this floor both novel and extraordinary; a doctrine subversive of every principle of civil liberty, and destructive of our first and dearest, not only of chartered, but birth rights. He deems that man guilty of moral treason who does not volunteer his aid in strengthening the arm of Administration in the prosecution of this war; or who, in the free exercise of the right of speech and opinion, may be the means of inducing others to withhold their personal services or pecuniary resources from the disposal of those who conduct the war. Sir, this doctrine is freighted with the most monstrous consequences—it is not for a moment to be tolerated by a people regardful of their rights. Let this doctrine be once established, an ambitious Executive, and a weak, a wicked, or interested majority of Congress have nothing to do but declare war, under any pretence, or for any cause or object, however unimportant, or however destructive of our best interests, we will be bound to

*The explanation made by Mr. GRUNDY a few days after this speech was delivered, and his speech as published, have very much qualified the remarks which were understood to have fallen from him, and to which this reply particularly refers.

strengthen the arm lifted for our destruction—join in acclamations of praise to our destroyers, or sit by, in silent anguish, awaiting the death-blow to our Constitution, and with it our liberties as a people. If the people, who have been taught to believe they are secure in the right, not only of expressing their opinions fully and openly in relation to the conduct of their rulers, their motives and the tendency of their measures, but also, in the right to change those rulers—are now to be told (and they should believe it) that their rights are only to be exercised in a state of peace and on ordinary occasions; but in time of war they are to be suspended or put out of existence—(the time above all others when they ought to be most vigilantly exercised and sacredly guarded;) when these things come to pass—when this doctrine of moral treason becomes the order of the day—then may we say, good-by to the liberties of our country—welcome tyranny, welcome Bonaparte, welcome oppression in any other shape; for when the measure of our sufferings is full, little does it avail by whom they are inflicted.

Mr. Speaker, the member from Tennessee, not satisfied with merely advancing this doctrine, has made an application of it. As I understood him, and as he was understood by gentlemen around me, he charged the whole Federal party in this country with this newly defined crime of moral treason; and being the friends of the “fast-anchored isle.” Although he did not charge the individual members of this House, it is not easily conceived how they can escape; particularly as the gentleman told us, he did not say more than he meant.

Sir I am one of this great Federal party, and I glory in being so—many of my best and dearest friends belong to this party. Many of the greatest and best men in this country are attached to this party; and whilst they continue, as they have done, to make virtue, fortitude, and intelligence their means, and their country's good their end, I hope never to forsake them. This party cannot be hurt by such attacks; to attempt to defend them would be an act of injustice. For myself and my immediate constituents, I will say: If this charge of moral treason, and being the friends of the nation with whom we are at war, is intended to be applied to myself, or a single man who voted for me, from personal or political regard, the charge is false.

SATURDAY, June 19.

THE FRENCH DECREES.

The House proceeded, immediately on its meeting to the consideration of Mr. WEBSTER's resolutions.

Mr. YANCEY said, believing as he did that, upon the question now under consideration, he should give a vote very different from many of his political friends, he begged leave briefly to state to the House the reasons which would induce him to co-operate with the gentlemen in the passage of the resolutions: it was not because he believed that there was any necessary and

material information in the possession of the Executive which had not already been communicated; on the contrary, he believed that all the information upon this subject was communicated at the last session. Upon looking to the resolution offered at the last session by the honorable gentleman from Maryland, I find, said he, that all the substance of the present resolutions is embraced in that, and more especially if we take into view the answer of the President to that resolution. The resolution then adopted by the House, required that the President should inform the House at what time, and in what manner, the promulgation of the French decree of the 28th of April, 1811, was announced to this Government. In answer, sir, to that resolution, it will be seen, by a reference to the Executive papers of last session, that the President transmitted to this House a letter from Mr. Barlow, of the 1st of May, 1812, to the Duke of Bassano, stating that "we know, indeed, that the French decrees do not apply to the United States;" but that the Prince Regent, in his declaration of the 21st of April, declares that they are still unrevoked; and, in order to remove all doubt upon that subject with the British Government, Mr. Barlow requested in that letter that the Duke of Bassano would furnish him with an authentic act of their revocation. It was furnished, sir, on the 10th of May, 1812, together with the decree of the 28th of April, 1811. Now, sir, though in the resolution offered by the honorable gentleman from Maryland, at the last session, it is not asked "by whom" the decree was announced to this Government; yet the answer of the President furnished the House with that fact; and it is shown by Mr. Barlow's letter of the 12th of May, communicated to the President, that the first intelligence to this Government was received from its accredited Minister. The resolution, therefore, now under consideration, does not materially differ from the one adopted at the last session; for though it was not moulded in that interrogatory form which this assumes, yet it is substantially the same. I believe, sir, the whole of the information sought for is sufficiently expressed in the first resolution, the one now under consideration; yet I shall vote for the whole of those resolutions. The last resolution, sir, I think objectionable in its phraseology, and also in its substance; but I shall give it my support. But let it be distinctly understood, at the same time, that I do not support these resolutions because I think there is any information in the possession of the Executive, which was withheld in violation of the resolution of the last session, or that any suspicion of unfairness attaches to the Administration in their foreign relations with Great Britain and France.

From the conduct of the particular friends of these resolutions during this discussion, I believe it would be a source of great gratification to them if they were rejected; and, so far, sir, as my vote goes, I am determined to disappoint them. I think it much better for the Administration that they should pass; not that I expect it will soothe

the opposition, or produce any important information to the nation.

But, sir, the gentlemen on the other side of the House, not content with discussing the merits of those resolutions, have mingled in the debate our foreign relations. By way of showing the importance and value of the resolutions, and the good that will flow from them to the country, they tell us that the answer to those resolutions will show one or both of two facts, to wit: that if the French repealing decree of the 28th of April had been known to the Government before the declaration of war, it would have prevented it. And, secondly, that if this decree was not communicated to our Government before the declaration of war, (which they admit to be the fact,) then the Duke of Bassano, in his conversation with Mr. Barlow, has told a falsehood. Now, sir, permit me to remark that, if the gentlemen think it important to their cause, or are otherwise solicitous to prove a falsity on the Duke, let them do so; I want nothing to convince me of the political hypocrisy and perfidy of that Government.

Admitting that the French repealing decree had been formally communicated to this Government before the declaration of war; nay, that it had been even communicated to the British Government in April, 1811, when it purports to be dated; still he did not see how gentlemen could bring their minds to believe that that decree would have averted the war, without they knew the secrets of the British Government better than its accredited Minister; nay, without they knew the intention of that Government better than the Ministry and Prince Regent himself. And, sir, if anything can be said in addition to what was so fully illustrated the other day by the luminous argument of my political friend from Tennessee, (Mr. GRUNDY,) I beg leave to suggest it. The non-intercourse act of Congress, passed in the spring of 1810, declared that, if either Great Britain or France would repeal or so modify their decrees or Orders in Council, that they should cease to violate the neutral commerce of the United States, and the other failing to repeal her orders within three months thereafter, that the United States would take decisive steps against the one so failing to repeal. In August, 1810, the French Government, by its official act, pledged itself to our Government that the Berlin and Milan decrees were repealed, and should cease to operate on the 1st of April following. Since which time, he defied the gentlemen to show that they had been enforced by order of that Government.

Previous to this time, however, it is worthy of remark, that the British Government only required of us, that France should repeal her orders as respected the United States, and she solemnly pledged herself that she would repeal her orders, *pari passu*, with the repeal of the decrees as respected the United States.

But, sir, what was her conduct upon this occasion? Instead of repealing, or promise of repealing, as France had done, she advances in her doc-

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trine, and contends that America must now procure France to repeal her decrees, not only as respected herself, but as respected all other neutral Powers.

How then, sir, might it be asked, could the promulgation of the French repealing decree have prevented the war? Would it have produced a repeal of the Orders in Council? It would not, if the British Government are to be believed. The declaration of the Prince Regent of the 21st of April; the correspondence between Mr. Foster and the Secretary of State of the 10th of June, and again on the 14th of June, a few days before the declaration of war, are conclusive on this point. But, sir, if we need better evidence to establish the fact, than the correspondence of the accredited Minister of England, permit me, sir, to refer the gentleman to the speeches of the Ministry in Parliament during the month of February, 1812; they will see, sir, that Mr. Rose and Mr. Perceval, during that discussion, which grew out of the examination and investigation of the Orders in Council in the House of Commons, have frankly and honestly acknowledged that which the gentlemen upon this occasion deny. Mr. Rose expressly says, "that they are maintained to promote the trade of England at the expense of neutrals, and as a measure of commercial rivalry with the United States." Mr. Perceval in his speech says, "that they are not only supported upon this principle of retaliation, but that this principle involved the license trade; that neither the partial nor total repeal of the Berlin and Milan decrees as they related to America, or to any other nation, or all other nations, would form any claim on the British Government, while the Continental system, so called, continued in operation."

It is not unimportant, sir, in the examination of this question, to mark, that the French repealing decree was transmitted to the British Government on the 20th May, 1812, during the examination of the Orders in Council in the House of Commons. No answer, sir, is given to them (except a bare acknowledgment of their receipt) till the 23d of June following. On the 16th of June Mr. Brougham brought forward his motion for a consideration of the Orders in Council, to take place the last of the same month. In the mean time, sir, the British Ministry, consulting place and power and that democratic spirit of the manufacturing part of the community, thought it expedient to make use of the repealing decree of France as a suitable pretext, upon which to revoke their Orders in Council. It will be seen, then, sir, that I ascribe the repeal of the orders to a very different cause, than that adopted by the other side of the House. The cause undoubtedly was the extreme pressure and oppression they brought upon the manufacturing interest of the country.

He said he expected the other day, when his learned and eloquent colleague (Mr. GASTON) addressed the House, that all doubt upon this part of the subject would have been removed; that he would, as has been promised by some

gentlemen on that side, demonstrate the fact, that the declaration of war depended upon the promulgation of the French repealing decree. He had expected, that if any man among them was able to establish this proposition, it was his colleague; but, sir, said he, when he embraced that part of the discussion, he exhibited himself upon a hobby too feeble to carry him, with a load too heavy to be borne by him. What, sir, was the argument he used to prove the fact? Why, that after the repealing decree was produced to Great Britain, she did repeal her orders. Yes, sir, it is true she did suspend them (or if gentlemen please repeal them) when she told you, in the same instrument, that the repeal was not such as she had before required.

I will take the liberty, sir, to remark that it is foreign from my intention to wound the feelings of any individual; but, sir, I know not how any individual, friendly to the prosecution of the war, rather than surrender rights essential to the independence of the country, can think for a moment of the observations made the other day by a member from New York, without feeling for him and his political opinions the greatest abhorrence and contempt. Upon what principle of argument or reason is it, that that member has discovered that all who aid either directly or indirectly in the prosecution of this war, are murderers!

[Here Mr. GROSVENOR, from New York, rose to explain. Mr. YANCEY informed him that he did not allude to him, and proceeded.]

Had that gentleman considered, sir, that there were other persons from New York who had taken part in this debate, he might have saved himself the trouble of rising.

The same member (Mr. SHEPHERD) has asked triumphantly for what are we fighting? If it were butterflies? I had supposed, Mr. Speaker, from the number of law-speeches he had made this session, his legal knowledge would have taught him to discriminate between the rights of butterflies, and the rights of men. But, sir, permit me to inform the gentleman, that we are prosecuting this war for the rights of seamen, and I hope, sir, we shall continue to do so, till they are established upon a principle that will do equal justice to ourselves and to others.

Mr. SHARP said, it was not his intention to have troubled the House with a single remark on the subject before them. He should have been content with giving a silent vote, had not the range of debate led into a full view of the conduct of the Administration in relation to the war. Intending to vote for all except the last of the resolutions, it became his duty to assign his reasons; as they were directly opposite to those of other gentlemen who advocated them. Some gentlemen, said he, have, for the first time during this Administration, become the supporters of the character of the nation; although not insensible to the cause of the discussion, and the effect it is intended to have, yet I am pleased to discover that such is the ground they are driven to take to obtain their object. On former occasions, those

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who styled themselves "friends to peace," contended that our Government waged war from a predilection to France; and we were entertained with their eloquence, displayed in comparing the nature and extent of injuries from each belligerent, France and England. The ruler of the first was denounced as a Usurper, a Despot, and a Tyrant; and the other triumphantly represented as defending our Holy Religion, as fighting the cause of Humanity and the World. Whether a ground that has afforded so much food for declamation hitherto, has been silently abandoned because it has ceased to have any effect upon the nation, and recoils upon those who resort to it; or because that magnanimous Government, finding it necessary in so great and good a cause to engage her barbarous allies on our exposed frontiers indiscriminately to murder, disregarding age or sex; and had placed the trophies of savage warfare, a human scalp, over the mace of their Legislative Council at York, representing that an authorized system of rapine and murder was interwoven with the genius of their Government; whether this occasioned the change, I leave others to decide.

I will consider this subject, sir, in the form in which it has been presented; and first, as to the avowed object of the resolutions. We learn from the gentleman from New Hampshire, (Mr. WEBSTER,) and the gentleman from New York, (Mr. GROSVENOR,) that they are intended to support the honor of our country. Who can object to it? But how? By proving to the world that in a correspondence between Mr. Barlow, our Minister to France, and the Duke of Bassano, in May, 1812, the French Minister of Foreign Relations was guilty of asserting a falsehood; and that the decree of the Government of France, bearing date on the 28th of April, 1811, repealing the Berlin and Milan decrees, never was communicated to our Government until it was communicated through Mr. Barlow. Let it be admitted that the decree of the 28th April, 1811, never was communicated to our Government previous to the mission of Mr. Barlow. The gentlemen say so, and at once acquit our Government of all charge of duplicity or concealment. But they also contend that, had the decree of the 28th April, 1811, as the Duke of Bassano stated to Mr. Barlow, been communicated to our Government at the time it bears date, and by our Government been made known to England, she would have repealed her Orders in Council and we have had no war with her. To make good a position of that kind, those who assume it must have a knowledge of the temper of the British Government beyond what they have ever communicated to the public; and, so far as the assertion may depend on that sort of calculation, I should hold it wholly incontrovertible. But, if the diplomatic correspondence and public acts of the British Government are evidence against them, it is proven to a demonstration they would not have repealed their Orders in Council upon the production of the decree of 28th April, 1811.

The Prince Regent's manifesto of the 21st of

April, 1812, after complaining of the injustice of France, in respect to neutrals, and excusing the course adopted by Great Britain under the plea of necessity, and as retaliatory of the decrees of Berlin and Milan, proceeds to require a repeal of those decrees as a condition precedent to the rescission of the Orders in Council—not a modification of them so as not to affect the commerce of America, but that they should cease to operate on all neutral commerce. That there should be no misunderstanding upon this subject, in the correspondence between Mr. Foster the Minister near this Government and Mr. Monroe, Secretary of State, in June, 1812, Mr. Foster expressly states that nothing less than a full and unconditional repeal of the decrees of Berlin and Milan would induce his Government to repeal her Orders in Council; that Great Britain could not repeal her Orders in Council as it respected America, and leave them in force against other States, upon condition that France would except America singly and specially from the operation of her decrees. The relaxation or modification of those decrees is considered insufficient. America is not only to obtain from France the freedom of her own commerce, but she is required to contend for the commerce of others. She is not only to cause her own rights to be respected, but she must be the guardian of the rights of all neutral nations. Are gentlemen prepared to say America should have interposed in behalf of the rights of all the neutral world? Upon what honorable pretence could America contend for the redress of injuries other than her own; and more especially whilst Great Britain withheld a redress of the outrages she was daily committing upon our citizens?

The gentleman from New York (Mr. GROSVENOR) and the gentleman from North Carolina (Mr. GASTON) tell us, that the British Government, on the 23d of June, 1812, by the repeal of their Orders in Council, afforded sufficient evidence, that, had the French decree of the 28th April, 1811, been communicated at the time it bears date, that the effect would then have been the same, and that the delay of the British Government in meeting the repeal of the decrees of Berlin and Milan, so soon as the decree of the 28th of April, 1811, was communicated, was owing to the assassination of Mr. Perceval, the Prime Minister, which deranged the British Cabinet, and that so soon as it was organized, the repeal of the Orders in Council took place. Mr. S. said he was sorry to find, upon examination, that the gentleman's understanding of the rescission of the Orders in Council was entirely different from what that State paper, from the face of it, would warrant. In its preamble, the decree of the 28th of April, 1811, is taken notice of, and so far from considering that sufficient for the repeal of their Orders in Council, it is expressly stated, that the tenor of the decree of the 28th April, 1811, is not considered as satisfying the order of 21st April, 1812, nor such a repeal of the decrees of Berlin and Milan as the British Government had always required; nor would it justify the demand of the

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American Government, that their Orders in Council should be abandoned; nor does the order of the British Government of the 23d June, 1812, more than suspend the operation of their Orders in Council, reserving, at the same time, the express right to enforce them again whenever it should appear expedient, notwithstanding the decree of the 28th of April, 1811. This paper of the British Cabinet, suspending their Orders in Council, relied upon by the gentlemen themselves, goes incontestably to confirm what was meant by Mr. Foster, when he required a full and unconditional repeal of the Berlin and Milan decrees, and declared that a repeal, as it respected America, would not do—but it must be general as it regards all neutrals. As the French decree of the 28th of April, 1811, is not the reason of the suspension of the Orders in Council on the 23d of June, 1812, we are led to inquire what were the causes that produced it. They are best discovered in the policy of that nation. Ever in the habit of considering her interest, she has long since become insensible to those principles of justice that should as invariably govern nations as individuals. Feeling her ascendancy upon the ocean, her avarice would not suffer her to brook a rival. The unparalleled prosperity of American commerce soon excited her jealousy; and with the commencement of our present Government commenced the history of her injuries and injustice towards us. The annals of our diplomacy, for a period of above twenty years, exhibit complaints of the plunder of our property and the impressment of our citizens upon the high seas. With Great Britain, the generous spirit of commercial enterprise is converted into a system of piracy and plunder, sanctioned by the highest authorities of the Government. Emboldened by our long forbearance; encouraged by the strong opposition in our own country to avenging her injuries; and calculating on the want of unanimity in our councils, Great Britain was induced to believe this Government wanted energy to commence and prosecute a war. Thus she was induced to conceive the design, by her Orders in Council, of sweeping our commerce from the ocean and enriching her Navy with the spoils. Nor did she once think of abandoning that policy, until, when too late, it was apprehended war must be the result of the state of things in America. Gentlemen may talk about French perfidy as the cause of this war. Let me assure them the canker lies nearer home. The injuries and injustice of Britain were the immediate cause. Yet, I have no doubt, those in our own country, who induced a belief that we wanted unanimity and energy to right our wrongs and support our sovereignty as a nation, are highly culpable.

Mr. S. said he could not see that gentlemen would gain or lose much by admitting, as is contended, that the duplicity of France in concealing the decree of the 28th of April, 1811, repealing the Berlin and Milan decrees, had a tendency to confirm Great Britain in the course of injustice she was pursuing towards America. If such an admission does not go to deny or palliate her con-

duct, neither does it inculpate our Government. It barely accounts for the conduct of Great Britain, and in a way that does no credit to her justice or sagacity. Great Britain is charged with plundering our commerce—and her apology is, that France deceived her, for she thought France did the same. Then, say the gentlemen, had Great Britain known France had repealed the Berlin and Milan decrees, she would have repealed her Orders in Council, and we should have had no war. To that I reply, had Great Britain never adopted a system of piracy and plunder of our property, and impressment of our citizens upon the ocean, we should have had no war; or, to state the facts, if that party in our own country who style themselves "the friends of peace," had not induced Great Britain to believe we were too divided in our councils to prosecute a war in defence of our rights, she would not have continued her aggressions on our commerce, and we should have had no war. What do such arguments prove? nothing more nor less than that the injustice of Britain has forced this war upon America. But it is far from throwing even a shade of blame upon the conduct of our own Government. No one has, nor do I believe any gentleman will venture to assert, that Great Britain has not given us just cause of war, or that America has been precipitated rashly or inconsiderately into this contest. On her part, it is the result of necessity; it is a contest in defence of her commerce and her citizens, and involves her independence as a nation.

This brings me, sir, to the most interesting part of the debate. We are now at war with a most potent and perfidious enemy. Enlightened politicians of all ages and countries agree, that the vigorous prosecution of a war, by calling into action the resources and energies of a nation, is the only certain means of procuring an indemnity for injuries and security for our rights, in a steady and honorable peace. So far as any gentleman's arguments go to contravene that course of policy, by disaffecting the people of this nation to their Government, and by their opposition to the ways and means of carrying on this war, to paralyze the Administration in their endeavors to bring it to a prosperous and happy termination, I feel alarmed at the consequence, and must entreat gentlemen to consider what will be the tendency of such doctrines. The gentleman from New York, (Mr. SHEPHERD,) yesterday, on this floor, denounced the present war as unjust, and said his conscience would not suffer him to take a part in it; that he should deem himself guilty of murder if he did. For the honor of the gentleman, I will not believe that sentiment to have been matured by reflection—I am necessitated to inculcate his head, to do justice to his heart. Will he reflect but one moment, that although he may differ with the Government on the causes that produced this war; although he may believe the enemy had a prescriptive right to plunder our ships and impress our seamen; yet, this is a Government of laws, enacted by the constituted authorities, where the majority rules. This Government has, by its le-

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gitimate act, declared war with Great Britain. Have the minority a right to oppose that war, and bring disaster and disgrace upon their country? He who opposes the adoption of injudicious measures, is a patriot—those measures once adopted, to oppose their execution is rebellion. If to meet our enemies on the field of battle be murder, what crime is he guilty of who can tamely see a frontier of five hundred miles smoking with the blood of his fellow-citizens, and the only remaining inhabitants flying by the light of the conflagration of their dwellings, and would refuse to contribute to their protection? His crime must be treason against humanity.

The same honorable gentleman has said we are indebted to the enemy for their humanity and forbearance. Yes, Mr. Speaker, when we reflect on their wantonly consigning private property to the flames, in their destruction of our villages on the seaboard; when we recollect their giving up the wounded and prisoners taken at the defeat of General Winchester to be scalped and tomahawked by their Indian allies; when we see them side by side with savages, traversing the borders of our country, leaving the dwellings of our fellow-citizens a heap of ashes slaked with human gore, we are made to exclaim, If this be their tender mercies, good Lord deliver us from their wrath!

We are also told by the same honorable gentleman, that the Government has at last to depend upon the Federalists for funds to support this war; that the loans were all obtained from them; he was sorry any would contribute to so unjust a war, and he hoped they never would be paid by the Government. Mr. S. said he could by no means admit the fact of the Federalists filling up the loan, for he was well informed that gentlemen of both sides in politics had contributed largely in loans to the Government, and that he was happy in believing there were many whose politics were Federal that are true friends to their country. But, said he, I would not believe until I heard it, that it would be contended by any one on this floor, that money borrowed by the Government, under legal authority, on any change of Administration or policy, ought not to be paid. When my country shall become so insensible to every principle of justice and honesty as to refuse to pay her just debts, I trust in God I may not be disgraced by being called her citizen. No doubt for the purpose of giving weight to such doctrine the gentleman from New York (Mr. SHIPHERD) boasts that Massachusetts, Connecticut, and New York, were the foremost in the struggle for independence. It is well the gentleman named other States besides his own; but why he has overlooked the two very respectable States of Pennsylvania and Virginia, I am at a loss to tell. Those patriots and heroes who were foremost in the Revolution we honor as our country ought. But, alas! with the mutations of time they have passed away, and have left another race upon the stage. Massachusetts, the cradle of liberty! we inquire for your sages and heroes; we ask, where are they? and are answered only by the

echo of our voice, repeating "where are they?" The same honorable gentleman, and the gentleman from North Carolina, (Mr. GASTON,) press this subject home, and tell us their fathers fought and bled during the Revolutionary contest for liberty; inferring that with sires so distinguished the sons should not easily be suspected of error.

But, sir, my perception of the right to inherit either the honors or the talents of an ancestor is so indistinct that we may very readily imagine that it might or might not happen. I am warranted from history in stating a case—such I hope does not exist in our own country: Brutus, the first distinguished patriot of that name in Rome, in no long time after driving the tyrant into banishment, had to sit in judgment on his own sons for treason. The illustrious father is not unfrequently cursed with a degenerate son. He who has worn out his life in the service of his country, and by his wisdom and valor rendered himself conspicuous in achieving her liberty and advancing her happiness, is entitled to the most exalted niche in the temple of fame; nor less distinguished he, who, in the ensanguined field, is sacrificed among a hecatomb of victims on the altar of his country's rights:

"Fresh leaves of martial laurel
Shall shade the soldier's grave,
Who dies with arm uplifted
His country's rights to save!"

But the chaplet of flowers that adorned his silver locks would wither and decay on the brow of his son, unless cherished by the same virtues. Could the spirit of the departed sire converse with his son, he would point to the most exalted eminences of his country's promotion, and say, Son, climb there by understanding and promoting your country's weal, and you may gather laurels from those cloud-capt summits that will grow and flourish as long as you deserve to wear them. But, if you refuse to emulate your father's example, the lustre of his character will only throw upon your conduct a shade of opprobrium. Observation and history lead to this conclusion: that every one acts from his own judgment, and should receive the fame or infamy due to his own conduct.

Sir, when we reflect that this nation is now engaged in war, the object of the early meeting of this session of Congress will immediately occur. The ways and means for carrying on the war are imperiously demanded of us; to meet that object should be our first duty; and I had hoped no subject disconnected with it would have occupied the House; and much less could I have imagined several days would have been employed in investigating the causes that produced the war, at a period when it is a year since it was declared. The arguments of gentlemen in the opposition might have been serviceable at the time that subject was on the tapis, and I believe they were then urged, duly considered, and weighed before our Government acted. All arguments should be now applied to the present state of the Union, to the effectual means of bringing this war to a

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happy and honorable termination. Mr. S. said, he hoped at least we should all unite in feeling an interest in the fortune and happiness of our own country, and in adopting the means necessary to that end.

Mr. MURFEE said, that he was desirous of speaking on this question, for several reasons; one was, that being unaccustomed to deliver his sentiments in deliberative bodies, he might possibly extend his remarks to everything else but the issue in controversy, and in that event would have the good fortune to find himself in company with many honorable gentlemen of the other side of the House. Indeed, if he wandered ever so far from the subject, he had the sufficient apology to offer, that he was but retracing those steps from which his eloquent colleague had lately brushed away the dust. He considered the debate, also, of a nature highly interesting to the whole community. The justice and expediency of the war are considered as coming within the scope of the resolutions upon the table, and the arguments of those who commenced it and advocate its continuance, contrasted with the objections of the opposition, will thus be fairly presented to the view of the people of the United States. It will be their province to decide in favor of the one or the other, and such decision is, at this time, not less desirable than necessary. If their determination shall be in our favor, and that of the war, it is to be hoped it would lead to an union of parties in its prosecution, that will tend not less certainly to a speedy than glorious conclusion. If, on the contrary, it shall be condemned by them as unjust and unnecessary, it will become us to acquiesce in their will, and obtain the most advantageous terms of peace that may be granted by the enemy to an humble and submissive acknowledgment of our error.

The discussion upon this subject is susceptible of being reduced to a single point. The decree of the French Government, formally repealing the Berlin and Milan decrees, so far as they affected the United States, purports to bear date the 28th April, 1811. It does not appear that this instrument was ever published, or that it was made known to the American Minister until May, 1812, and by him transmitted to his Government. No one has spoken but disclaimed the idea that it ever was known to the Executive of this country prior to that period. In the conversation of Mr. Barlow with the Duke of Bassano, on the 12th May, the latter stated that this decree had been communicated to Mr. Barlow's predecessor at his Court, and also to the French Minister at this place, with orders to transmit it to the Secretary of State. Now, sir, the gentlemen on the other side say, if it was communicated to the President in either way previous to the declaration of war, and by him concealed, no language is capable of depicting the aggravated crime of which he has been guilty. For, if this decree had been made known, the Orders in Council would have been repealed, and this disastrous war, as they style it, never have taken place. To vindicate the honor of the Adminis-

tration and attach the falsehood where it justly belongs, is the professed object of these resolutions. But, sir, we say that, admitting what no one believes or pretends to believe, that it was so concealed by the Administration, still we say, had it been presented to the British Ministry, it would not have had the least possible effect in suspending or arresting the war.

The French decree of 28th April, 1811, repeals the Berlin and Milan decrees so far only as they affected the United States. The precise words are, that they "are considered as not having existed in regard to American vessels." If we refer to the whole correspondence between the British and American Ministers, it will plainly appear that this was not such a repeal of the decrees as they required us to produce previous to rescinding their obnoxious edicts. In order not to detain the House by particular references to documents, which have been so much canvassed, I will content myself with recalling to their recollection two or three of the last letters, in which their demands are so explicitly avowed as to be impossible to be mistaken or misunderstood. In a letter from Lord Wellesley to Mr. Pinkney, of 11th February, 1811, he demanded their absolute and unconditional repeal, not as they affected the United States, but as they regarded all nations; that the commerce of the Continent thereby be restored to the same situation in which it stood previous to their promulgation. As they affected others, we never did or could justly have the least right to interfere.

In a short time after, Mr. Foster in his letter to the Secretary of State, on 3d July, 1811, repeats the same demand in almost the same words, and to that he still more unequivocally answered the additional stipulation, that the neutral commerce should be restored to its former situation. This latter demand, in reality, was, and it could be nothing less, considered as a requisition of us to enforce the admission of British goods into those ports of the Continent, which had been subsequently subjugated by the French arms. Accordingly, the Secretary of State, in reply, expressed his astonishment at a demand so unusual and unexpected, and desired an explicit answer, whether such an extravagant pretension was maintained by the British Government. In his answer to this, Mr. Foster labors to distinguish what he meant from the inference so easily deducible, not only from the former, but that very letter, and finally envelopes himself in those high-sounding epithets he could assume with so much facility when he speaks of the honor and dignity of the British nation.

If, sir, additional evidence were wanted in so plain a case, I would refer to the last letter of the 10th June, 1812, conclusive of the point, and sufficient to carry conviction to the most sceptical mind. In this memorable letter, written a few days previous to the declaration of war, which was and must have been known to him would follow in that short space, it is to be presumed he would tender the most favorable terms he was authorized, if his Government had been

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sincerely desirous of adjusting amicably the subsisting differences. From this letter alone, sufficient to silence forever the cavils of the most incredulous, I will conclude this point by reading a short passage: "I have no hesitation, sir, in saying that Great Britain never did, or could, engage to repeal her orders as affecting America alone, leaving them in force against other States, upon condition that France would except singly and specially America from the operation of her decrees."

I will now, sir, proceed to inquire what answer has been given to these facts by the two gentlemen who have stood forward the most conspicuous advocates of the resolutions upon the table. The honorable member from New York has remarked that they are so confused and indistinct that he is unable to understand them. How poor an evasion! how little applicable to expressions, not merely as intelligible, but the most forcible of which the language is susceptible! From the gallant manner in which that gentleman presented himself in the van of the Federal phalanx, I did not expect to hear so humiliating an acknowledgment of his own defeat. The honorable gentleman from North Carolina (Mr. GASTON) declines to take this ground, and displays his superior address by attracting the attention to another view of the subject. He attributes the clear light in which he was compelled to acknowledge that Mr. Foster did place the ultimatum of his Government to the superior diplomatic skill of the American Secretary. This unwilling testimony to the merit of that gentleman was as unexpected as just, and with the same candor, the honorable gentleman might have added, that he is not more distinguished in this correspondence for superior strength of argument and elegance of style, than he is elevated by honesty and integrity above Mr. Foster, or any other corrupted minion of British power. The honorable member sickened with the repetition of these documents, and turned from them with disgust, to take a comprehensive view of the political controversy between the two countries. The gentleman was right; in minute detail there was danger; a rigid examination of them would have presented him with facts and arguments impossible to be answered, and which would surpass even his ingenuity to elude. Many others, like himself, have sickened in the perusal, because they place the Administration upon the high and commanding ground they deserve to occupy.

The honorable gentleman from North Carolina infers that they did intend to repeal their Orders in Council had they been furnished with an authentic repeal of the French decrees, because they actually did subsequently repeal them on that ground. But, sir, how was it possible for the Administration to have foreseen so complete a revolution in their designs within so short a period, expressly contrary to their declaration at various times and by so many different persons? We judge of the future actions of men by their professions, and to me the logic is incomprehensible by which we prove a man will perform an

act which he declares he will not, merely because, influenced by new reasons, he may subsequently do that very act. It is a useless waste of time to argue further upon this point. That the British Cabinet requires the absolute and unconditional repeal of the Berlin and Milan decrees and the restoration of the commerce of the Continent to its former situation, is proved by the declaration of the Prime Minister himself, by the instructions to the Resident Minister, by all the letters of the latter, and finally by the declaration of the Prince Regent himself.

But, sir, I never believed that it was their intention to rescind the Orders in Council if we could have performed the stipulation they required. In the early correspondence upon the subject, they justified them upon the ground of retaliation, and professed their readiness to proceed step by step with the French Government in the repeal of such as affected the commerce of the United States. From this ground they afterwards receded, and annexed the other condition to which I have before alluded. Finally, in the debate in the House of Commons on the 3d of March, what I have no doubt was the original object of the Orders in Council was no longer concealed. It was then substantially avowed by the Minister himself, that they were supported as a system of commercial monopoly which they had the power to enforce, and as a benefit they expected to derive from their naval supremacy.

The honorable gentlemen on the other side have liberally indulged in invective against the Ruler of the French Empire. I sincerely approve their sentiments, and fervently wish a hatred of kings and royalty may be indelibly impressed upon the heart of every American. I most cordially unite with them in an abhorrence of Emperors, over whatever country they may lord it, and by whatever appellation distinguished, whether Napoleon the Conqueror, or Alexander the Deliverer. I am equally indifferent to the personal fate of the Emperor of France, or that of his Empire, whether he fall by the dagger of a Parisian conscript, or be pierced by the lance of a wild and warlike Cossack. And, so far as my country be unaffected, I care not whether his Empire be tumbled into ruin, or whether he still have ability to drive back the torrent of Northern barbarians by whom he is surrounded into their native deserts.

As many gentlemen on the other side have still to speak upon this subject, permit me to point out an object to which they may, with equal justice, direct their arrows. The honorable gentlemen may select from the catalogue of vices which have disgraced human nature in public or private life, and a corresponding one will be found to constitute a part of the character of the Prince Regent. This rich and fertile field has been left untouched. The gentlemen have asked why no notice has been taken, not a censure breathed against the wrongs and violence of the Emperor of France. As this surely cannot apply to me, I have the right to retort the inquiry. Why has the conduct of the Regent of England been

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passed over in silence? That man whose arrogant pretension and long continued injustice reduced us to the alternative of encountering the calamities of war or submitting to national degradation and dishonor. An honorable gentleman from New York (Mr. *SHIPHERD*) has stigmatized the war as a murderous project, and expressed his hopes and wishes that the money loaned for its support would never be repaid. A venerable member of this House has gone still further, publicly charges the Administration with bribery in procuring the late loans, and declared it the duty of upright men in a future Legislature to refuse provision for a fulfilment of these usurious contracts. Must not all regret, deplore the frailty of human nature to see that gentleman, influenced by party spirit, tarnish the laurels of his youth, and in the decline of life consent to abandon those very rights he himself maintained by his pen and defended by his sword!

I am pleased, sir, that the sentiments and designs of the Opposition are thus openly avowed to the world. And, sir, I will take the liberty to inform the gentleman from New York, (Mr. *GROSVENOR*), that feeble as the Administration may be, and poorly as he may think of them, while such are the opinions of himself and his friends, they will never drive us from our seats.

In conclusion I will again press the question propounded by my honorable friend from Tennessee (Mr. *GRUNDY*.) The orders are repealed, and will you have peace and recognise the right of impressment? To this no answer has been given, and I venture to declare that none will be given in the affirmative. How, then, will gentlemen justify it to themselves and the people, if they will neither surrender the claim we assert, nor aid the prosecution of a war in its support? I will, sir, give my vote for the resolutions, except the last, with which we have no concern, for information upon this subject, in this or any other, the most inquisitorial shape they can be made to assume. Because I am well assured that they can but add to the numberless proofs already afforded, that the Government of the United States preferred an honorable struggle to a tame surrender of the rights of an independent nation.

When Mr. *MURFREE* concluded, the House adjourned.

MONDAY, JUNE 21.

Another member, to wit: from New York, *JOHN M. BOWERS*, appeared, was qualified, and took his seat.

The *SPEAKER* laid before the House a letter from the Commissioner of the General Land Office, transmitting the reports of the land commissioners for the western district of the late Territory of Orleans, now State of Mississippi; which were referred to the Committee on the Public Lands.

The House resolved itself into a Committee of the Whole, on the bill to reward the officers and crew of the United States ship *Hornet*.

The amount of compensation was, on motion

of Mr. *NELSON*, fixed at \$25,000—the same as was allowed to the officers and crew of the *Wasp*, for the capture of the *Frolic*. The bill was then reported to the House, and ordered to be engrossed for a third reading.

The House resolved itself into a Committee of the Whole on the bill from the Senate for the relief of Thomas Sloo; which was gone through, reported to the House, and ordered to be read a third time this day; and was accordingly read a third time, and passed.

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The order of the day on Mr. *WEBSTER*'s resolutions having been called up,

Mr. *BIBB* stated the intention of the Committee of Ways and Means to press the consideration of the revenue bills as soon as possible. The time already occupied in this debate had not been thrown away, as the Committee of Ways and Means were not prepared for the discussion of the tax bills. Now they were ready, however, he rose, in the absence of the chairman of the committee, (Mr. *ERRIS*), to give notice that those bills would be called up to-morrow; and, every gentleman now having fair notice, he hoped the discussion of these resolutions would terminate to-day.

Mr. *CALHOUN* made some observations expressive of his wish to curtail this debate, so anxious was he to come to the discussion of the ways and means; with which view, he should refrain from making those remarks on this occasion which he had intended, and should, if the motion for indefinite postponement was withdrawn, also withdraw the motion which he had made to amend the resolution.

Mr. *FARROW* then withdrew his motion for indefinite postponement, in order to save time, although he remained decidedly opposed to the resolutions; to which, looking at their object and expediency, nothing could reconcile him.

Mr. *CALHOUN* then withdrew his motion for amendment.

Mr. *ROBERTSON* assigned at length the reasons why, although he believed these resolutions wholly unnecessary, he should nevertheless be induced to vote for them.

The question was then taken on agreeing to the first resolution, as follows:

“Resolved, That the President of the United States be requested to inform this House, unless the public interest should in his opinion forbid such communication, when, by whom, and in what manner, the first intelligence was given to this Government of the decree of the Government of France, bearing date on the 28th April, 1811, and purporting to be a definitive repeal of the decrees of Berlin and Milan.”

And passed in the affirmative—yeas 137, nays 26, as follows:

YEAS—Messrs. Alexander, Alston, Anderson, Archer, Baylies of Massachusetts, Beall, Benson, Bigelow, Bowen, Bowers, Boyd, Bradbury, Bradley, Breckenridge, Brigham, Burwell, Calhoun, Caperton, Champion, Chappell, Cheves, Cilley, Comstock, Condict, Cooper, Cox, Creighton, Culpeper, Davenport, Davis of Massachusetts, Davis of Pennsylvania, Dewey, Duval, Earle, Ely, Forney, Franklin, Gaston, Geddes,

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Gholson, Gloninger, Goldsborough, Goodwyn, Gourdín, Griffin, Grosvenor, Grundy, Hale, Hall, Hanson, Harris, Hawes, Hopkins of New York, Howell, Hubbard, Hufty, Humphreys, Hungerford, Ingersoll, Ingham, Jackson of Rhode Island, Jackson of Virginia, Kennedy, Kent of New York, Kent of Maryland, Kerr, Kilbourn, King of Massachusetts, King of North Carolina, Leferts, Lewis, Lovett, Lowndes, Lyle, Macon, Markell, McCoy, McKee, McLean, Miller, Moffitt, Moseley, Murfree, Nelson, Newton, Oakley, Pearson, Pickering, Pickens, Piper, Pitkin, Pleasants, Post, Potter, John Reed, William Reed, Rea of Pennsylvania, Rhea of Tennessee, Ridgely, Ringgold, Robertson, Ruggles, Schureman, Sevier, Seybert, Sharp, Sheffey, Sherwood, Smith of New Hampshire, Smith of New York, Smith of Pennsylvania, Smith of Virginia, Stanford, Stockton, Strong, Stuart, Sturges, Taggart, Tallmadge, Tannehill, Taylor, Thompson, Troup, Vose, Ward of Massachusetts, Ward of New Jersey, Webster, Wheaton, White, Whitehill, Wilcox, Wilson of Massachusetts, Wilson of Pennsylvania, Winter, Wood, Wright, and Yancey.

NAYS—Messrs. Bard, Barnett, Brown, Butler, Caldwell, Clark, Clopton, Conard, Crawford, Dawson, Denoyelles, Desha, Evans, Findley, Fisk of New York, Glasgow, Hyneman, Kershaw, Montgomery, Ormsby, Parker, Rich, Roane, Sage, Skinner, and Telfair.

The second resolution having been read—

Mr. BUTLER rose, and said, so long as he entertained a hope that these resolutions would meet the fate they so richly deserved, he felt willing to give a silent vote; but having lost all expectation of a result so desirable, it was proper to render some reasons for voting in the negative.

Sir, said Mr. B., I see no necessity for the information required, and to call on the President for documents that can be of no use would be improper. We may ask for information without giving the President the reasons, but we certainly ought to have good reasons ourselves for so doing. It has not been once intimated, that any act of the Legislature can be founded on the answer expected; much less that we should now declare war against France; I therefore can discover no profitable use that can be made of any answer in the power of the President to give.

It has been said that this inquiry ought to have been made by the friends of the Administration; but as they have neglected their duty, these resolutions were introduced to give the President a fair opportunity, by his answer, to remove the suspicions under which many of the people are laboring.

Sir, if that unfortunate class of the community had believed the most solemn assertions of the President, or even their own senses in relation to his conduct for forty years past, they would not now be laboring under these painful suspicions. As no part of his conduct has laid the foundation for, or given any support to these suspicions, nothing that he can do, nothing that he can place on paper will remove them. Should the President give the most satisfactory answer, it would only leave his character on the same high ground on which it now stands, and therefore would contribute nothing to his reputation. I have another reason for voting against the adoption of these

resolutions. The same inquiry was made by the last Congress, and received the answer of the President. And will you now repeat the same question in the most inquisitive language? Will you treat the President of the United States in a manner that would be resented by almost every man in private life? Strange marks of distrust and suspicion are to be seen on the very face of these resolutions; the time and manner in which they make their appearance also go to support the same opinions. I consider the introduction of these resolutions an attack upon the Executive of this nation; and when you have made them your own, if I am not mistaken, the world will consider it as made by this House.

Sir, the five resolutions you have had under consideration about a week, appear all to be nearly related in form and spirit, and as you have adopted the first, the others will follow of course: but if they pass, it must be by the votes of those who are moved by motives that shall not influence me; I will not vote for resolutions that I disapprove, merely to gratify those whom I am persuaded cannot be conciliated. The fear of being accused of having an intention to suppress useful information, will not move me. Conscious of the rectitude of my own intentions, I shall give no vote through fear of accusations founded in falsehood.

We have been told that the time spent in this debate has not been lost: if it has not been worse than lost, it will hereafter give me pleasure to acknowledge my own error.

Inquiries as necessary as this might be instituted, one upon the back of another, without end. Why not call on the President to lay before this House such information as he may possess in relation to the powers Mr. Erskine had to make an arrangement with our Government concerning the British Orders in Council? That Minister in the plainest terms declared that he had full power to do what he proposed; his master at home, within three months, in terms equally plain, contradicted him: one might speak truth—both could not. And why shall we not inquire after the fact? The reason is obvious—because it would answer no valuable purpose: but you will give me leave to say, that it would answer as good a purpose as the one now under consideration.

Sir, I have been in the habit of viewing every man responsible for his own conduct; and this in legislation as elsewhere. And although it is the lot of man to err, it is not to be expected that honest wise men will always be unable to foresee the natural tendency of their own conduct in the plainest cases. If my conduct is such as can produce no other consequences but those that are bad—and this so plain that every person of sane mind must discern it—to what will you ascribe my improper behaviour? To the want of good motives, or the want of discernment? One or the other must be the cause. I have been taught to ascribe no improper motive to any member of this House. I shall be one of the last to transgress your rules; but they will prevent no one from inquiring after the effects of any measure

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proposed to the House, or of the tendency of the arguments in support of that measure.

As to the motives of the honorable gentleman from New Hampshire, who introduced all these resolutions, I shall say nothing; I shall treat with equal charity all the arguments offered in their favor. It is sufficient for me to be fully satisfied that they can produce no other consequences than those that are to be deeply lamented. According to all the arguments advanced by gentlemen on the other side of the House, it would appear that either the Government of France, or that of the United States, is responsible for all the blood and treasure that may be wasted in our war with Great Britain. They might as well say, in plain English, that the President and the majority in Congress have been the sole cause of the war. It is only a circuitous course taken to enforce the charge with more effect. Through you all the people of the United States may be told this, and much sophistry urged to support it. I shall not say that the motives were bad; but that the effect must be so, is certain.

So far as they are believed, and have any influence, they must engage the people to search for the causes of this war, where they are not to be found, and where they never did exist. By the resolutions, and the arguments in their support, Great Britain seems to be kept almost out of sight, as having little or nothing to do with the causes of the war; and if this had been the real design of gentlemen, they could scarcely have pursued a course better shapen. If an inquiry is to be made after the causes of this war, it ought to be this, whether ourselves or Great Britain are in the wrong: but instead of this, our own Government is boldly charged with murder.

Mr. SHIPHARD.—I wish to explain, sir. I did not say that the friends of the war were murderers. I said I would not enter into the murderous project.

Mr. BUTLER.—I believe I understand the gentleman. If the project is a murderous one, and any person falls in the contest, he is murdered: the inquiry then is, who are the murderers?

The gentleman does not surely mean to assail those who opposed the war; he must have referred to our own Government, and those that have supported it. And notwithstanding these daring charges that have been made or intimated—all from the same side of the House where the resolutions originated—you are told in the same breath, that all this is to save the reputation of your President. Sir, can any man, or set of men, be so mistaken as to the effects of the course they pursue?—but their motives I shall not call in question.

But, sir, no friend to our country will doubt, no man of sane mind can refuse his assent to the belief, that such arguments will tend directly to increase party spirit—inflame the public mind—create distrust in the Government—prepare the people for civil commotion, with all its concomitant evils—strengthen the hands of our enemies, and weaken the arms of our own Government. These are some of the natural consequences of

such arguments, as have been advanced in favor of your resolutions, so far as they gain credit.

In the course of this debate, you have been told of the forbearance and benevolence of the British in their conduct towards our country, since the commencement of the present war. Sir, if you will turn your thoughts and eyes upon those lonely chimneys of private houses, so recently burnt that the bricks are scarcely cold, and take into view the slaughtered, defenceless women and children, together with the plundering of private property, both by themselves and spies, on the Atlantic and Western frontier, these facts will afford but little evidence of their humanity, justice, or even honorable warfare.

According to the opinion of some gentlemen, of very high standing in our country, the moral complexion of the British Government has been strangely changed for the better within thirty or forty years past. Our fathers, then, with GEORGE WASHINGTON at their head, considered that Government as totally depraved, as destitute of all political honesty, as altogether unfit to govern any people, and much less to be admired as freemen. Look at your Declaration of Independence; examine your ancient record; and there you will see the political character of that Government portrayed in true colors. And let me ask, when was that Government regenerated? When have they become better? They have stolen many, and murdered others, that you were bound to protect; and by the hand of savages, with the tomahawk and scalping-knife, they have slaughtered your defenceless men, women, and children, in time of peace. There is no crime of which she is not guilty. She can smile in your face, and with words smoother than oil, when she has caught your eye with her own, aim a dagger at your heart.

To that Government, to that sink of all political, as well as moral depravity, may be traced all the causes of this war. Evidence for many years past has been given by that Government of intentions to effect that by art and corruption which she could not accomplish by her arms.

Mr. Speaker, I have paid particular attention to the correspondence of that Government with our own, for several years past; and feel fully persuaded that that Government has assumed to itself principles and rights, which, if suffered to grow into national law, would leave us in no better circumstances than colonies to that Power.

I am not insensible that many sentences and much of the reasoning appears to be inconsistent with itself, so much so, that even on this floor it seems not to be understood by all: but as all that rubbish was only designed to employ the ignorant, and give better success to secret emissaries in deceiving the people of this country; it becomes you to remove the whole of it, and look at the essence of all she has said, naked and uncovered.

She tells you that no arrangement can be made to prevent your seamen from impressment.

She does not say that she will; but says nothing can be done to prevent it; and has continued the practice of stealing them for more than twen-

ty years. Sir, in relation to this subject, that Government has treated you in the same manner that an old bully would the honest simpleton intended for abuse. According to the law of Moses, the man-stealer was to be put to death: if war can in any case be justified, it may be your duty to put that law in execution so far as you have power.

That Government has not only assumed the right to supply her navy with your seamen, whenever it may suit her convenience, and they can be found within her power; but she has also assumed the right to govern your commerce on the high seas, in the same manner as though you were a colony of that Kingdom.

Sir, what is the language of that Government on this subject? It is this: You may trade in any place where our merchandise can be sold; and nowhere else. This, sir, is the substance of all the lengthy, tedious, labored communications of that Government to ours, for several years past, on the subject of commerce. And although she has for several years been practising this system of rapine and piracy, yet we are whiningly told she means no such thing.

The causes of this are too apparent not to be seen: but it affords no matter of surprise, that you should be told that this war is unnecessary and unjust, by gentlemen who are searching for its causes in the Government of France or that of the United States, where they never will be found. Let them turn their eyes to the British Government; let them examine the conduct of her Ministry; they will then see that you have as just cause for this war, as there ever was for any upon earth.

Sir, after having heard so many charges brought against our own Government, it may not be improper to inquire whether individuals in our country may not be, in one degree, chargeable with the consequences of this war. And in order to this, I will call your attention to two or three notorious facts. Near the commencement of that Congress, who afterwards declared war to exist, a number of resolutions were introduced, authorizing preparations for war. Those resolutions were adopted almost unanimously by this House. The opinion of the Senate and of the President were also known. The faith of this Government was now pledged to resist the encroachments of Great Britain unless she should abandon the ground she has taken, before we were prepared to resist her. This ought to have put all contention to rest; the benefits that would result to our country from union, must be obvious to all.

But here, sir, you find yourself in open view of conduct long to be lamented—conduct that must kindle emotions of shame, grief, and anger. You were told to your face, that there was no sincerity in your words and acts; that all was meant only to deceive, delude, and scare. That the British had nothing to fear, and our own country nothing to hope, from those in power. That you had not the least intention to declare war. That you had become too tame to resent any injury

however great. That you could not be kicked into a war.

Sentiments like these were uttered in the presence of the British Minister; in the face of the nation; the same was soon heard in the hall of the British Parliament. Letters were sent by members of your own body, to many parts of our own country, disseminating the same sentiments. Many editors were also engaged in the same work.

No exertions were wanting. Every nerve was strained to divide the people, increase party spirit and prepare all for disappointment—to persuade Great Britain to believe that you had become too senseless to know your rights, and too divided to defend them. That this was the course pursued by many, for three or four months before the declaration of war, is too notorious to be denied by any one in his right mind; and the individuals engaged in this work, are also well known in every part of our country. Sir, you will now permit me to ask you one or two questions. Do you not believe that the conduct just mentioned was an encouragement to Great Britain to persist in her aggressions on your rights? Do you believe that Great Britain would have continued trampling on your rights if our country had been united to a man in the support of our own Government? Would she have risked a war with this country under such circumstances? She would not. And for the correctness of this answer, I appeal to the conscience of every member of this House.

Sir, as but one answer can be given to questions so plain, it is left with you and the nation to decide who in our own country ought to be considered as responsible for the consequences of the war in which you are engaged.

I have stated some of my reasons for voting against the resolutions before you, and some of the objections I have against the arguments advanced in their favor. I shall now submit to your decision, whatever it may be, when I have placed my name where it will forever be pleasing to have it standing. Neither am I troubled at the thoughts of being in a minority; for, sir, I would give my vote in the negative, did I know it would stand entirely *alone*.

The question was then taken to agree to the second resolution, as originally proposed, and passed in the affirmative—yeas 137, nays 29, as follows:

YEAS—Messrs. Alexander, Archer, Avery, Baylies of Massachusetts, Beall, Benson, Bigelow, Bowen, Bowers, Boyd, Bradbury, Bradley, Breckenridge, Brigham, Burwell, Calhoun, Caperton, Champion, Chappell, Cheves, Cilley, Comstock, Condict, Cooper, Cox, Crawford, Creighton, Culpeper, Davenport, Davis of Massachusetts, Davis of Pennsylvania, Dewey, Duvall, Earle, Ely, Forney, Franklin, Gaston, Geddes, Gloninger, Goldsborough, Goodwyn, Gourdin, Griffin, Grosvenor, Grundy, Hale, Hanson, Harris, Hawes, Hopkins of New York, Howell, Hubbard, Hufty, Humphreys, Hungerford, Ingersoll, Ingham, Jackson of R. Island, Jackson of Virginia, Kennedy, Kent of N. York, Kent of Maryland, Kerr, Kilbourn, King of Massachusetts,

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King of N. Carolina, Lefferts, Lewis, Lovett, Lowndes, Lyle, Macon, Markell, McCoy, McKee, McLean, Miller, Moffitt, Moore, Moseley, Nelson, Newton, Oakley, Pearson, Pickering, Pickens, Piper, Pitkin, Pleasants, Post, Potter, John Reed, William Reed, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ridgely, Ringgold, Robertson, Ruggles, Schureman, Seybert, Sharp, Sheffey, Sherwood, Shipherd, Skinner, Smith of N. Hampshire, Smith of New York, Smith of Pennsylvania, Smith of Virginia, Stanford, Stockton, Strong, Stuart, Sturges, Taggart, Tallmadge, Tannehill, Taylor, Thompson, Troup, Vose, Ward of Massach'ts, Ward of N. Jersey, Webster, Wheaton, White, Whitehill, Wilcox, Wilson of Massachusetts, Wilson of Pennsylvania, Winter, Wood, Wright, and Yancey.

NAYS—Messrs. Alston, Anderson, Bard, Barnett, Brown, Butler, Caldwell, Clark, Clopton, Conard, Dawson, Denoyelles, Desha, Evans, Findley, Fisk of New York, Gholson, Glasgow, Hyneman, Irwin, Kershaw, McKim, Montgomery, Ormsby, Parker, Roane, Savage, Sevier, and Telfair.

The question was then taken to agree to the third resolution, as originally proposed, and was passed in the affirmative—yeas 134, nays 30, as follows:

YEAS—Messrs. Alexander, Archer, Avery, Baylies of Massach'ts, Beall, Benson, Bigelow, Bowen, Bowers, Boyd, Bradbury, Bradley, Breckenridge, Brigham, Burwell, Caperton, Calhoun, Champion, Chappell, Cheves, Cilley, Comstock, Condict, Cooper, Cox, Creighton, Culpeper, Davenport, Davis of Massachusetts, Davis of Pennsylvania, Dewey, Duvall, Earle, Ely, Forney, Franklin, Gaston, Geddes, Gloninger, Goldsborough, Goodwyn, Gourdin, Griffin, Grosvenor, Grundy, Hanson, Harris, Hawes, Hopkins of N. York, Howell, Hubbard, Hufty, Humphreys, Hungerford, Ingersoll, Ingham, Jackson of Rhode Island, Jackson of Virginia, Kennedy, Kent of N. York, Kent of Maryland, Kerr, Kilbourn, King of Massachusetts, King of North Carolina, Lefferts, Lewis, Lovett, Lowndes, Lyle, Macon, Markell, McCoy, McKee, McLean, Miller, Moffitt, Moore, Moseley, Nelson, Newton, Oakley, Pearson, Pickering, Pickens, Piper, Pitkin, Pleasants, Post, Potter, John Reed, William Reed, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ridgely, Ringgold, Robertson, Ruggles, Schureman, Seybert, Sharp, Sheffey, Sherwood, Shipherd, Skinner, Smith of N. Hampshire, Smith of New York, Smith of Virginia, Stanford, Stockton, Strong, Stuart, Sturges, Taggart, Tallmadge, Tannehill, Taylor, Thompson, Troup, Vose, Ward of Massachusetts, Ward of New Jersey, Webster, Wheaton, White, Whitehill, Wilcox, Wilson of Massachusetts, Wilson of Pennsylvania, Winter, Wood, Wright, and Yancey.

NAYS—Messrs. Alston, Anderson, Bard, Barnett, Brown, Butler, Caldwell, Clark, Clopton, Conard, Crawford, Dawson, Denoyelles, Desha, Evans, Findley, Fisk of New York, Gholson, Glasgow, Hyneman, Irwin, Kershaw, McKim, Montgomery, Ormsby, Parker, Roane, Sage, Sevier, and Telfair.

The question was then taken to agree to the fourth resolution, as originally proposed, and also passed in the affirmative—yeas 125, nays 34, as follows:

YEAS—Messrs. Alexander, Archer, Avery, Baylies of Massachusetts, Beall, Benson, Bigelow, Bowen, Bowers, Boyd, Bradbury, Bradley, Breckenridge, Brigham, Burwell, Caperton, Champion, Chappell, Cheves,

Cilley, Comstock, Condict, Cooper, Cox, Creighton, Culpeper, Davenport, Davis of Massachusetts, Davis of Pennsylvania, Dewey, Duvall, Earle, Ely, Forney, Franklin, Gloninger, Goldsborough, Goodwyn, Gourdin, Griffin, Grosvenor, Grundy, Hale, Hanson, Harris, Hawes, Hopkins of New York, Howell, Hubbard, Humphreys, Hungerford, Ingersoll, Jackson of Rhode Island, Jackson of Virginia, Kennedy, Kent of New York, Kerr, King of Massachusetts, King of N. Carolina, Lefferts, Lovett, Lowndes, Lyle, Macon, Markell, McCoy, McKee, McLean, Miller, Moffitt, Moore, Moseley, Nelson, Newton, Oakley, Pearson, Pickering, Pickens, Piper, Pitkin, Pleasants, Post, Potter, John Reed, William Reed, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ridgely, Ringgold, Robertson, Ruggles, Schureman, Seybert, Sharp, Sheffey, Sherwood, Shipherd, Smith of New Hampshire, Smith of New York, Smith of Pennsylvania, Smith of Virginia, Stanford, Stockton, Strong, Stuart, Sturges, Taggart, Tallmadge, Taylor, Troup, Vose, Ward of Massachusetts, Ward of New Jersey, Webster, Wheaton, White, Whitehill, Wilcox, Wilson, of Massachusetts, Wilson of Pennsylvania, Winter, Wood, Wright, and Yancey.

NAYS—Messrs. Alston, Anderson, Bard, Barnett, Brown, Butler, Caldwell, Clark, Clopton, Conard, Crawford, Dawson, Denoyelles, Desha, Evans, Findley, Fisk of New York, Gholson, Glasgow, Hyneman, Ingham, Irwin, Kershaw, Kilbourn, McKim, Montgomery, Ormsby, Parker, Roane, Sage, Sevier, Skinner, Tannehill, and Telfair.

The fifth resolution being amended by inserting after the word "President," the words "unless the public interest should forbid such a disclosure," the question was taken to agree to that resolution, with the said amendment, and also passed in the affirmative—yeas 93, nays 68, as follows:

YEAS—Messrs. Baylies of Massach'ts, Beall, Benson, Bigelow, Bowers, Boyd, Bradbury, Breckenridge, Brigham, Burwell, Caperton, Calhoun, Champion, Chappell, Cheves, Cilley, Condict, Cooper, Cox, Culpeper, Davenport, Davis of Massachusetts, Dewey, Ely, Gaston, Geddes, Gloninger, Goldsborough, Goodwyn, Gourdin, Grosvenor, Grundy, Hale, Hall, Hanson, Hopkins of New York, Howell, Hubbard, Hungerford, Ingersoll, Jackson of Rhode Island, Jackson of Virginia, Kent of New York, Kent of Maryland, Kerr, King of Massachusetts, King of North Carolina, Lewis, Lovett, Lowndes, Lyle, Macon, Markell, McCoy, Miller, Moseley, Oakley, Pearson, Pickering, Pickens, Post, Potter, John Reed, Wm. Reed, Rhea of Tennessee, Ridgely, Ringgold, Ruggles, Schureman, Sheffey, Sherwood, Shipherd, Smith of New Hampshire, Smith of New York, Stockton, Stuart, Sturges, Tallmadge, Taylor, Thompson, Vose, Ward of Massachusetts, Ward of New Jersey, Webster, Wheaton, White, Whitehill, Wilcox, Wilson of Massachusetts, Winter, Wood, Wright, and Yancey.

NAYS—Messrs. Alexander, Alston, Anderson, Archer, Avery, Bard, Barnett, Bowen, Brown, Butler, Caldwell, Clark, Clopton, Comstock, Conard, Crawford, Creighton, Davis of Pennsylvania, Dawson, Denoyelles, Desha, Duvall, Earle, Evans, Findley, Fisk of New York, Forney, Franklin, Gholson, Glasgow, Griffin, Harris, Hawes, Humphreys, Hyneman, Ingham, Irwin, Kennedy, Kershaw, Kilbourn, Lefferts, McKee, McKim, Montgomery, Moore, Murfree, Nelson, Newton, Ormsby, Parker, Piper, Pleasants, Rea of Pennsylvania, Rich, Roane, Robertson, Sage, Seybert, Sharp, Skinner, Smith of Pennsylvania, Smith of

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Virginia, Stanford, Strong, Tannehill, Telfair, Troup, and Wilson of Pennsylvania.

Mr. WEBSTER, and Mr. RHEA of Tennessee, were appointed a committee to present the said resolutions to the President of the United States.

On motion of Mr. RHEA, of Tennessee,
Resolved, That the President of the United States be requested to transmit to this House copies of a Declaration and Orders in Council of the British Government, of the 21st of April, 1812, and of a copy of a note from Lord Castlereagh, being the same papers alluded to in a letter from Mr. Russell to the Secretary of State, of the 26th of April, 1812.

Ordered, That the committee appointed to present to the President the resolutions herein before mentioned, do also present the last resolution aforesaid to the President.

NORTHWESTERN FRONTIER.

Mr. KILBOURN offered for consideration the following resolution:

Resolved, That a committee be appointed to inquire whether any, and if any what, provision ought to be made for the more effectual and economical protection of the Northwestern frontier against the incursions of savages and other enemies, by granting donations of land to actual settlers on land adjoining the Northern and Western boundary of the State of Ohio, and of the Territories of Indiana and Illinois.

Mr. FISK moved to amend the resolution, so as to refer the subject to the Military Committee; when (it being late) a motion was made to adjourn, and carried—51 to 46.

THURSDAY, June 22.

Another member, to wit: WILLIAM M. RICHARDSON, appeared, was qualified, and took his seat.

Mr. MILLER presented a petition of Theophilus Barbarick and sundry inhabitants of Herkimer county, in the State of New York, praying that the said Barbarick may receive a support from the public, in consideration of four of his sons and three of his sons-in-law having enlisted as soldiers in the Army; which was ordered to be referred to a select committee.—Mr. MILLER, Mr. TAYLOR, and Mr. SKINNER, were appointed the said committee.

Mr. TROUP, from the Committee on Military Affairs, reported a bill to continue in force, for a limited time, certain acts, authorizing corps of rangers, and for the protection of the frontier of the United States, and making appropriations for the same; which was read twice, and committed to a Committee of the Whole on Friday next.

An engrossed bill to reward the officers and crew of the sloop of war Hornet was read the third time, and passed.

The House resumed the consideration of the resolution yesterday moved by Mr. KILBOURN, for appointing a committee to inquire into the expediency of providing for a more efficient and economical defence of the Northwestern frontier, by granting donations of land to actual settlers adjoining that frontier. The resolution having been

amended, on motion of Mr. HEMPSTEAD, by the addition of Missouri to the other Territories, was agreed to—75 to 50.

THE WAYS AND MEANS.

On motion of Mr. BIBB, the House resolved itself into a Committee of the Whole, on the several bills for laying direct and internal taxes; and, on his suggestion, the bill for assessing and laying a direct tax was first taken up. He explained the provisions of the bill, and expressed his regret at the necessity which had devolved this duty on him, viz; the indisposition of the chairman, (Mr. EPPES.)

Considerable discussion arose on amendments proposed to the details of the bill, respecting the arrangement of the districts, &c.

The Committee rose at the usual hour of adjournment, reported progress on the bill, and obtained leave to sit again.

WEDNESDAY, June 23.

A message from the Senate informed the House that the Senate have passed a bill to amend the act, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes;" in which they desire the concurrence of this House.

The said bill was read twice, and referred to the Committee on Military Affairs.

Mr. TROUP, from the Committee on Military Affairs, reported a bill supplementary to the act, entitled "An act for the better regulation of the ordnance;" which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. TROUP, from the same committee, also reported a bill supplementary to the act in addition to the act, entitled "An act to raise an additional military force;" which was read twice, and committed to a Committee of the Whole House on Monday next.

The House again resolved itself into a Committee of the Whole, on the several bills laying taxes.

The direct tax bill was further discussed and amended.

The question which excited most discussion was a proposition to strike out the apportionment of the direct taxes among the several counties in the States, as fixed by the bill, with a view to the appointment of assessors for the purpose of such apportionment in each State. The Committee rose without deciding on the proposition.

CONTESTED ELECTION.

Mr. FISK of New York offered for consideration the following resolutions:

Resolved, That the Committee of Elections be instructed to inquire whether John M. Bowers, returned as a member from the State of New York, is entitled to a seat in this House.

Resolved, That the same committee be instructed to inquire whether Isaac Williams, jr., is not entitled

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to a seat in this House in the place of said John M. Bowers.

Mr. F. said he had before him, and would submit with the resolution, a certified copy of the return of votes given in at the late election in the 15th district of the State of New York, by which it appears that John M. Bowers and Isaac Williams, jr. were the two candidates. The whole number of votes given in was 8,917; of which there were for "Isaac Williams, jr." 4,129; for "Isaac Williams" 431; for "J. M. Bowers" 4,287 votes, and for "J. Bowers" seventy. By which statement it appears that if Isaac Williams, jr. had received the votes given to Isaac Williams, he would have had a majority of 203 votes over Mr. Bowers; even allowing to the latter the votes to have been given for him, in which a part of his name was omitted. The canvassers of votes have not judicial powers, and they gave a certificate that the highest number of votes was for such a name. In the State of New York, when a difficulty of this kind occurred, although the canvassers could not settle the question, the Legislature always settled it on investigation; because the mode of nominating candidates in New York left no doubt as to the identity of the person intended to be voted for. In several towns Mr. F. named, as many as 96, 135, 99, 91 votes had been given for Isaac Williams and none for Isaac Williams, jr. It could not be doubted that all these votes were intended for Isaac Williams, jr.

Mr. GROSVENOR expressed his surprise at this mode of bringing the election in question before the House. If the opposing candidate, knowing the facts, had not thought proper to come forward and contest the election, he was surprised that any one else should. Mr. G. wished the resolutions to lie on the table till to-morrow.

Mr. FISK said he never before had heard that the inability or neglect of any candidate to come forward and contest an election in which he was concerned, precluded any member of this House from doing it. Mr. F. had no particular objection to the resolutions lying on the table till to-morrow.

Mr. GROSVENOR said that he had always considered it the bounden duty of the Committee of Elections to inquire into the validity of the title of each member to a seat in the House; but he believed there was no example of this House entering of its own accord, without petition or remonstrance, into a scrutiny whether or not the sitting member had the greatest number of votes. He would not at this moment enter into a detail of the consequences which would certainly result from such a course as that proposed to be pursued.

Mr. PITKIN and Mr. HOPKINS opposed the resolve, on account of the novelty of the course, and Mr. NELSON took the opposite side.

Mr. FISK said that the novelty of the course was no argument against it. He had produced evidence to support the motion; and he did not see why it should not be allowed the same force as if presented by a petitioner.

The motion to lay the resolves on the table was negatived, 82 to 80.

Mr. GROSVENOR rose to propose an amendment. He said, by the laws of New York, it was required that the inspectors of the polls should not open the boxes until the close of the poll on the third day. He had seen an affidavit, that, at one of the elections in a Congressional district, the polls had been opened on the second day, giving a full opportunity for fraud, though he could not say that the opportunity had been seized by either party. The affidavits he would take upon himself to furnish to the Committee of Elections as the foundation of this motion. If this procedure should be illegal, it would affect the election of the gentleman returned from that district. He was unfriendly to the present mode of proceeding; but if commenced, it ought to extend to all cases. He, therefore, moved to insert in the first resolve, after "John M. Bowers," the names of John Leferts and Ebenezer Sage.

Some further conversation took place on this subject between Messrs. PITKIN, FISK, and GROSVENOR, as to the similarity of the two cases, &c.

Mr. PITKIN again moved to lay the resolution on the table; which was supported by Mr. GASTON and opposed by Mr. RHEA.

The motion prevailed, 78 to 77.

THURSDAY, June 24.

The House resolved itself into a Committee of the Whole on the tax bills.

The direct tax bill being still under consideration, considerable further discussion took place thereon; but the Committee rose without having gone through it, and had leave to sit again.

A motion was then made by Mr. PICKENS to discharge the Committee of the Whole from the further consideration of said bill, and recommit it to the Committee of Ways and Means, which motion was negatived.

CONTESTED ELECTION.

Mr. FISK of New York called up the resolutions he yesterday submitted, directing the Committee of Elections to inquire into the title of Mr. BOWERS, of New York, to his seat in this House.

A motion was made to postpone the further consideration of this motion indefinitely.

On this motion a discussion took place, in which Messrs. GROSVENOR, SHIPHERD, BENSON, PITKIN, and GASTON advocated the postponement, and Messrs. FISK, ALSTON, and BURWELL opposed it.

The principal, nay, the only point really in controversy on this discussion was, whether it ought to be permitted to any member, on his own mere motion, to institute inquiries into the validity of the titles of other members to their seats. On the one hand, it was contended that such a course was contrary to all precedent; that it would prove vexatious to the sitting members, whose elections ought to be presumed unquestionable, until questioned by petition, on which foundation alone ought inquiry to be instituted; that a con-

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trary course would open wide the door to imposition and fraud. On the other hand, it was contended that it was not only the right, but the duty of every member to inquire into and contest the validity of any election of which he has a cause to doubt; that the inability, apathy, or sickness of an unsuccessful candidate, ought not to be suffered to preclude inquiry into an election, on the face of which it was at least questionable whether or not it was legal. Mr. GASTON, who advocated the postponement, admitted the competency of any member, or of the House, to institute an inquiry in this case, but contended that it was inexpedient to resort to it, unless in extreme cases.

Some discussion also took place relative to the evidence and grounds on which the motion for inquiry was made, &c.; and other incidental remarks were made, not bearing on the decision of the principle in question.

The question of indefinite postponement was decided by yeas and nays. For the motion 65, against it 98, as follows:

YEAS.—Messrs. Baylies of Massachusetts, Benson, Bigelow, Boyd, Bradbury, Breckenridge, Brigham, Caperton, Champion, Cilley, Cooper, Cox, Davenport, Davis of Massachusetts, Dewey, Duvall, Ely, Gaston, Geddes, Goldsborough, Grosvenor, Hale, Hopkins of New York, Howell, Hufty, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Lewis, Markell, Miller, Moffitt, Montgomery, Moseley, Lovett, Nelson, Oakley, Pearson, Pickering, Pitkin, Post, Potter, John Reed, William Reed, Ridgely, Ruggles, Schureman, Sheffey, Sherwood, Shipherd, Smith of New York, Stockton, Sturges, Taggart, Tallmadge, Thompson, Vose, Ward of Massachusetts, Webster, Wheaton, White, Wilcox, Wilson of Massachusetts, Winter, and Wood.

NAYS.—Messrs. Alexander, Alston, Anderson, Archer, Avery, Bard, Barnett, Beall, Bibb, Bowen, Bradley, Brown, Burwell, Butler, Caldwell, Calhoun, Chapell, Cheves, Clark, Clopton, Comstock, Condit, Conard, Crawford, Creighton, Culpeper, Davis of Penn., Denoyelles, Desha, Evans, Farrow, Findley, Fisk of Vermont, Fisk of New York, Forney, Forsyth, Franklin, Gholson, Glasgow, Goodwyn, Gourdine, Griffin, Grundy, Hall, Harris, Hawes, Hubbard, Humphreys, Hyneman, Ingersoll, Ingham, Jackson of Virginia, Kennedy, Kent of Maryland, Kerr, Kershaw, Kilbourn, King of North Carolina, Lefferts, Lowndes, Lyle, McCoy, McKee, McKim, McLean, Moore, Murfree, Newton, Ormsby, Parker, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Richardson, Ringgold, Roane, Roberts, Robertson, Sevier, Seybert, Sharp, Skinner, Smith of Penn., Smith of Virginia, Stanford, Stuart, Tannehill, Taylor, Telfair, Troup, Ward of New Jersey, Whitehill, Wilson of Pennsylvania, Wright and Yancey.

A motion was made to lay the resolution on the table, and negatived.

The question was then taken on Mr. GROSVENOR'S motion, to incorporate the names of John Lefferts and Ebenezer Sage, and decided in the negative.—For the amendment 70, against it 84, as follows:

YEAS.—Messrs. Baylies of Massachusetts, Benson, Bigelow, Bowen, Boyd, Bradbury, Bradley, Breckenridge, Brigham, Caperton, Champion, Cilley, Clark, Cooper, Cox, Culpeper, Davenport, Davis of Massa-

chusetts, Dewey, Ely, Farrow, Findley, Gaston, Geddes, Goldsborough, Grosvenor, Hale, Harris, Hopkins of New York, Howell, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Lewis, Lovett, Markell, McKee, Miller, Moffitt, Montgomery, Oakley, Pearson, Pickering, Pitkin, Post, John Reed, William Reed, Ridgely, Ruggles, Schureman, Seybert, Shelley, Sherwood, Shipherd, Skinner, Smith of New York, Stanford, Stockton, Stuart, Sturges, Taggart, Tallmadge, Thompson, Vose, Ward of Massachusetts, Webster, Wheaton, White, Wilcox, and Wilson of Massachusetts.

NAYS.—Messrs. Alexander, Alston, Anderson, Archer, Avery, Bard, Barnett, Beall, Brown, Burwell, Butler, Caldwell, Calhoun, Cheves, Clopton, Comstock, Conard, Crawford, Davis of Pennsylvania, Denoyelles, Desha, Duvall, Evans, Fisk of New York, Forney, Forsyth, Franklin, Gholson, Glasgow, Goodwyn, Gourdine, Griffin, Grundy, Hall, Hawes, Hubbard, Humphreys, Hyneman, Ingersoll, Ingham, Irwin, Jackson of Virginia, Kennedy, Kent of Maryland, Kerr, Kershaw, Kilbourn, King of North Carolina, Lowndes, Lyle, McCoy, McKim, McLean, Moore, Murfree, Nelson, Newton, Ormsby, Parker, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Richardson, Ringgold, Roane, Roberts, Robertson, Sevier, Sharp, Smith of Pennsylvania, Smith of Virginia, Tannehill, Taylor, Telfair, Troup, Ward of New Jersey, Whitehill, Wilson of Penn., Winter, Wright, and Yancey.

The question was then stated on the first resolution, as follows:

"Resolved, That the Committee of Elections be instructed to inquire whether John M. Bowers, a sitting member from the State of New York, is entitled to a seat in this House."

Mr. BENSON then moved to amend the resolution by adding thereto, words to the following effect: "and, that the committee be instructed 'not to suffer any person to appear before them, 'as entitled to question said election, but Isaac Williams, junior, in person, or by his agent, duly constituted.'" This motion was negatived without a division.

The question on the adoption of the first resolution was then decided in the affirmative—ayes 91.

The question was then stated on the second resolution, in the following words:

"Resolved, That the same committee be instructed to inquire whether Isaac Williams, junior, be not entitled to a seat in this House, instead of said John M. Bowers."

Mr. BRADLEY moved to amend the resolution so as to make the inquiry "whether any, and if any what, person is entitled to the seat now occupied by Mr. BOWERS."

This modification was adopted by Mr. FISK, as part of his motion.

Mr. GASTON opposed the passage of this resolution as unnecessary and irregular; as being too much like *advertising* for some person to claim the seat now occupied by Mr. BOWERS.

To this, Mr. ALSTON replied that the course was regular, and was the practice of every day in cases of contested elections.

The question on the passage of the second res-

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olution was then decided in the affirmative—yeas 89, nays 66 as follows:

YEAS—Messrs. Alexander, Alston, Anderson, Archer, Avery, Bard, Barnett, Beall, Bibb, Bowen, Bradley, Brown, Burwell, Butler, Caldwell, Calhoun, Chapell, Cheves, Clopton, Comstock, Condict, Conard, Crawford, Creighton, Davis of Pennsylvania, Denoyelles, Desha, Farrow, Fisk of Vermont, Fisk of New York, Forney, Forsyth, Franklin, Gholson, Glasgow, Goodwin, Gourdin, Griffin, Grundy, Hall, Harris, Hawes, Hubbard, Humphreys, Hyneman, Ingersoll, Ingham, Irwin, Jackson of Virginia, Kennedy, Kent of Maryland, Kerr, Kershaw, Kilbourn, King of North Carolina, Lowndes, Lyle, McCoy, McKim, McLean, Montgomery, Moore, Murref, Newton, Parker, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ringgold, Roane, Roberts, Sevier, Seybert, Sharp, Skinner, Smith of Pennsylvania, Smith of Virginia, Strong, Tannehill, Taylor, Telfair, Ward of New Jersey, Whitehill, Wilson of Pennsylvania, Wright, and Yancey.

NAYS—Messrs. Baylies of Massachusetts, Benson, Bigelow, Boyd, Bradbury, Breckenridge, Brigham, Caperton, Champion, Cilley, Clark, Cooper, Cox, Culpeper, Davenport, Davis of Massachusetts, Dewey, Duvall, Ely, Gaston, Goldsborough, Grosvenor, Hale, Hopkins of New York, Howell, Hufty, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Lewis, Lovett, McKee, Miller, Moffit, Markell, Nelson, Oakley, Ormsby, Pearson, Pickering, Pitkin, Post, Potter, John Reed, William Reed, Ridgely, Rugles, Schureman, Sheffey, Sherwood, Shipherd, Smith of New York, Stanford, Stockton, Stuart, Sturges, Taggart, Tallmadge, Thompson, Vose, Ward of Massachusetts, Webster, Wheaton, Wilcox, Wilson of Massachusetts, and Winter.

FRIDAY, June 25.

A message from the Senate informed the House that the Senate have passed a bill "for the relief of infirm, disabled, and superannuated officers and soldiers of the late and of the present army of the United States," in which they desire the concurrence of this House.

Mr. DAWSON reported a bill to improve the ground around the Capitol, in the city of Washington; twice read and committed.

The House again resolved itself into a Committee of the Whole, on the several tax bills. Further discussion took place on the details of the direct tax bill. The discussion to-day principally involved the question of the mode of apportioning the direct tax: whether, as proposed by the bill, the amount of direct tax to be paid by each county should be arbitrarily fixed, or whether the operation of the system should be delayed by a new valuation and assessment, which would apportion the taxes more equitably. An amendment going to change this feature of the bill was proposed, discussed, and negatived.

The Committee rose at the usual hour of adjournment, and the House adjourned.

SATURDAY, June 26.

Another member, to wit: from Kentucky, SAMUEL HOPKINS appeared, produced his credentials, was qualified, and took his seat.

Mr. TROUP, from the Committee on Military Affairs, reported a bill, freeing from postage all letters and packets to and from the Superintendent General of Military Supplies; which was read twice, and ordered to be engrossed, and read the third time to-day.

Mr. McKIM, after stating two cases of severe wounds, by the bursting of a cannon on board a private armed vessel, for which cases the existing law provided no relief by pensions, as the wounds were not received in actual conflict with the enemy, moved the following resolution; which was adopted:

Resolved, That the Committee on Naval Affairs be instructed to inquire whether any, and, if any, what amendments are necessary to the act regulating pensions to persons on board private armed vessels.

The bill from the Senate, "for the relief of infirm, disabled, and superannuated officers and soldiers of the late and of the present army of the United States," was read twice, and referred to the Committee on Military Affairs.

Mr. HUMPHREYS offered for consideration the following resolution, the object of which he explained by appropriate remarks; and also stated that it was founded on a resolution of the Legislature of Tennessee, instructing its Senators and Representatives on this head:

Resolved, That the Committee on the Public Lands be instructed to inquire whether any, and, if any, what provision is necessary to be made to enable the claimants of land within the Congressional reservation, and to which the Indian title has not been extinguished, within the limits of the State of Tennessee, to re-mark the lines and perpetuate testimony as to the boundaries of their respective tracts; and that they report by bill or otherwise.

NAVY ON THE UPPER LAKES.

Mr. WILSON rose to offer a resolution on the subject of our naval establishment on the Upper Lakes, introductory to which he submitted a few explanatory remarks. He believed it to be usual and proper to originate in one of the Houses of Congress, whatever relates to the establishment, augmentation, preservation, or reduction of the navy. That branch of it, said he, which is destined exclusively for the interior waters, being but recently commenced and still incomplete, would naturally seem to claim peculiar attention. In the operations of a war upon a line of the enemy, extending from Quebec to Chicago, more than fifteen hundred miles, by waters navigable from his great naval and military seaport, and extending to the rendezvous of another enemy still more formidable while possessed of such ample means of protection, support, and supply, the indispensable importance to us of a naval force is evident, and accordingly has been duly appreciated by all branches of this Government. A large sum has been appropriated by the Legislature, and great energy has been exerted under the direction of the Executive to establish such a force. Whatever imperfections may have appeared in the plan or execution, I am persuaded are purely such as are common to all experiments.

One thing Mr. W. deemed essentially necessary now to be provided; that was a dock-yard, or a secure and convenient harbor for the Winter season. Such a harbor, said he, is highly necessary during the Summer season, and would, I believe, nearly double the effect and usefulness of the public shipping; but, waiving any remarks on this point at present, I do believe that, for the stormy months in the Autumn, for the preservation of the vessels through the Winter, and, above all, to insure their seasonable operation the next Spring, it is indispensably necessary to select a harbor on the south shore of Lake Erie; and as the harbor of Presque Isle is spacious and secure, and situated immediately upon the most direct and commodious, if not the only practicable route of the necessary communication with the extensive naval, military, and provision stores, which may be produced and collected at Pittsburg, I have little doubt but that this, amongst all the harbors on the south shore, will for the present be found most, if not the only one suitable. If I am correct in this, and I have no doubt of it, sir, it will then become indispensably necessary to cut a ship channel through the sand bar which now impedes the entrance of this basin. For such an object there is no existing provision by law, and if it is not commenced seasonably, however necessary it may be found, it cannot be done this season. Mr. W., after some further remarks, submitted the following resolution:

Resolved, That the Committee on the Naval Establishment be instructed to inquire whether any, and, if any, what further provision, by law, is necessary for completing, securing against storms or enemies, or for giving full effect to the naval force of the United States on the Upper Lakes, whether by establishing a dock-yard, selecting, and, if necessary, improving a convenient and safe winter harbor, or by any other measure, and to report thereon to this House.

The resolution was agreed to.

THE WAYS AND MEANS.

The House again resolved itself into a Committee of the Whole, on the bill for the assessment and collection of direct taxes and internal duties; and, after some time spent therein, the bill was reported, with several amendments; which were again read, and, except one in the thirty-first section, concurred in by the House; which said amendment in the thirty-first section was disagreed to by the House.

The bill was then further amended at the Clerk's table; when a motion was made by Mr. MONTGOMERY to strike out the fifteenth section of the said bill, as follows:

SEC. 15. And be it further enacted, That immediately after hearing appeals, the principal assessors respectively shall make out lists containing the sums payable according to the assessments aforesaid, and according to the provisions of this act, upon every object of taxation within their respective districts, so as to raise upon each county or State district contained within the collection districts established by this act, for which they are respectively appointed, the quota of the direct tax laid by the United States, which shall have

been imposed on such county or State district by the law laying such direct tax; which lists shall contain the name of each person residing within the collection district liable to pay the direct tax, or of the person residing within the said district, and having the care or superintendence of property lying within the said district, which is liable to the payment of said tax, where such person or persons are known, together with the sum payable by each person or persons aforesaid, on account of the said direct tax as aforesaid. And where there is any property within any collection district liable to the payment of the direct tax, not owned or occupied by, or under, the superintendence of any person resident therein, there shall be a separate list of such property, the sums payable, and the names of the respective proprietors, where known.

And in lieu thereof to insert the following new sections:

SEC. 15. And be it further enacted, That there shall be appointed by —, in each State, Territory, and district, an officer, to be styled the Supervisor of the Revenue, who, previous to his entering upon the duties enjoined him by this act, shall execute bond to the United States, in the penalty of —, with one or more sureties, to be approved of by the Secretary of the Treasury, conditioned for the faithful discharge of the duties of his office as specified in this act, and shall take an oath, before some officer legally authorized to administer the same, that he will faithfully and impartially execute the duties of his office; and shall forthwith transmit to the Secretary of the Treasury, a certificate of such oath, to be by him preserved.

SEC. 16. And be it further enacted, That the several principal assessors, appointed under the authority of this act, shall, within ten days after the expiration of the time allowed for taking appeals, and correcting the assessments contemplated, by actual calculation, ascertain the amount of the value of property assessed for taxation in each county in his collection district, and shall make out, sign, and record, a fair certificate thereof, in which he shall specify, distinctly, the amount as aforesaid in each county.

SEC. 17. And be it further enacted, That the Supervisor of the Revenue shall, within thirty days after the time allowed the principal assessors to ascertain the amount of property assessed for taxation in each city or county, demand and receive, from the said principal assessors, respectively, a certificate of the amount of the value of property assessed for taxation in each county; and shall, within ten days thereafter, ascertain, by the principles of direct proportion, the quota of each county of any direct tax imposed by any law of the United States; and shall also ascertain what per centum on the amount of the property assessed in each county will give the quota of the county; and having ascertained the quota of each county, and the per centum necessary to make such quota, it shall be his duty, within the time aforesaid, to make out, sign, and record, a fair certificate of the quota of each county in every collection district, and the per centum necessary to make such quota, making as many certificates as there are collection districts in his State, Territory, or district; one copy of which certificate, in due form certified, shall, within twenty days, be transmitted to the principal assessors, respectively, and another within thirty days, by the post, to the Commissioner of the Revenue, in Washington City.

SEC. 18. And be it further enacted, That the principal assessor in each collection district, within thirty

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days after the receipt of the certificate of the Supervisor of the Revenue, as to the amount of property assessed and the per centum necessary to make the same in each county, shall make out a fair list of the persons in each county liable to the payment of taxes, the species of property assessed to them respectively, at the end of which he shall add a certificate of the quota of the county and the per centum necessary to make such a quota, and, within the time aforesaid, deliver, to the collector of his collection district, the said list and certificate, taking from the collector a receipt specifying the total amount of taxes to be collected, the quota of each county, the amount of property assessed in the county, and the per centum thereon necessary to give the quota; a copy of which receipt he shall forthwith transmit, by post, to the Commissioner of the Revenue, at Washington; and which copy, the original, or any copy thereof, shall be complete evidence in any suit or action against the collector of the revenue or his deputy.

SEC. 19. *And be it further enacted*, That the principal collector, by himself or his deputies, shall, within — days after the receipt of the list of persons and property subject to taxation as hereinbefore directed, collect from each person subject to taxation, the sum due from such person, according to the per centum certified to be necessary to make the quota of the county, by the supervisor of the revenue, and shall, upon payment, in all cases where it may be done, execute to the person so paying, a receipt therefor, specifying the sum paid, the species of property paid for, and the per centum collected thereon.

SEC. 20. *And be it further enacted*, That the principal assessor in each collection district shall keep a durable record book, in which he shall enter all transfers of property assessed for taxation, under the authority of any law of the United States, specifying the species and value of such property, from whom and to whom transferred; and the said assessors shall attend each of the court-houses in their respective districts on some court day in the months of October, November, or December, with the book aforesaid, for the purpose of entering transfers as aforesaid, having given two months' notice of the time of attendance in some newspaper of the State, Territory, or district, within which he resides; and the said assessors, respectively, shall, annually, on the fifteenth day of January, transmit to the principal collector of his district, a certified list of such transferred property, and the said certified list of property transferred shall govern the collector and his deputies, in the same manner as the original list furnished by the assessor, exempting the vender and charging the vendee; and the said assessors, for entering such transfer of taxable property, and all services incident thereto, may, in each case, demand and receive the sum of — cents, to be paid by the person to whom the property is transferred.

On this motion, Mr. MONTGOMERY addressed the House nearly as follows:

Mr. Chairman: Before I enter into a comparison of the amendment proposed with the original, I deem it proper to remark that I design to bring into view not only the bill now under consideration, but also the bill for laying a direct tax on the people of the United States. I believe this will be correct, as the whole has generally been considered and spoken of as one entire system, and as the bearing of the amendment will thereby be the better understood.

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Sir, I am as deeply impressed with the necessity of adopting some system of internal taxation as any member of this House; I believe the fate of this nation rests upon it; without it public credit will sink, and the energies of the nation be paralyzed and disordered. But, sir, with the necessity, I am strongly impressed with the importance of so modifying the system as that it may operate justly upon the different portions of the States respectively; that it may not be in the power of whole counties or sections of a State to say in truth, that we are unjustly burdened in comparison with our fellow-citizens. Under these impressions, and with the most firm belief that the bill under consideration, taken in connexion with the bill laying a direct tax on the United States, as they now stand, will operate unjustly on many portions of our common country unless the amendment which I have proposed, or one similar thereto, is adopted—I say, sir, the injustice will be gross and flagrant, throwing on particular counties and sections of the country a much larger portion of the public burdens than, according to the principles of justice, they ought to bear.

That the people ought to contribute in a just proportion to their wealth, for the support of the Government, according to the specie standard, is a proposition having on my mind something like the force of a mathematical axiom; it is most certainly true in theory, but I will admit that precise and exact justice is not to be attained in reference to the subject of taxation: but this admission will not go to prove, that because we cannot come at complete and exact justice under a correct principle of taxation, that we ought to abandon all just theory and resort to principles in themselves unjust and absurd. As well might it be contended that because inaccuracies will arise in the admeasurement of land under those mathematical principles applicable to the art of surveying, from the unevenness of ground, mistakes of chainmen, and the wrong use of instruments, that we ought to abandon the art, although perfectly true in theory and producing nearly a just result, and resort to guessing.

Let us now test the bill under consideration with the bill laying a direct tax and apportioning the same among the several States and counties, by the principle which I have stated. The direct tax bill not only assigns to each State its quota, but it goes on to assign to the several counties in each State respectively their quota or portion of the State's quota. In doing this the Committee of Ways and Means have proceeded upon two district principles; the one the principle of taxation according to certain of the State revenue laws, applicable to States where revenue is paid into the State Treasury for State purposes, taking the amount so paid by each county as the data of the present apportionment, and making the quota of each county bear the same proportion to the State's quota of the direct tax as the tax of such county bears to the whole revenue of the State; the other, a principle drawn from a comparison of the valuations of the year

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1799 with the census of the year 1800, and the census of the year 1810, taking the numbers of each county as the data of the apportionment, and taking it as true that population and wealth since the year 1799 has increased in the same ratio. The first of these principles has been applied to Massachusetts, Connecticut, New Jersey, Virginia, North Carolina, South Carolina, Ohio, and Kentucky. The second has been applied to New Hampshire, Rhode Island, Vermont, New York, Pennsylvania, Delaware, and Maryland.

I do not pretend to an intimate acquaintance with the revenue laws of all the States to which the first principle has been applied; but I have by inquiry obtained such information respecting several of them as has convinced me that they are unjust; that the main principle of them is taxation by quantity and numbers, without regard to the specie value. In the State of Kentucky the revenue law divides the lands for taxation into three rates, first, second, and third, according to the fertility of the soil of the greater part of each tract; and each hundred acres of the same rate pays the same amount of tax, be the specie value what it may; no regard is had to the increased value arising from contiguity to commercial towns, highways, or navigable waters. It is a truth, in relation to that State, that lands in some sections bear to others the proportion of three to one in specie value, and yet the same tax is paid under the State revenue law. The revenue law of that State is obviously unjust, and as the apportionment of the direct tax among the several counties is bottomed on that law as data, or the criterion of apportionment, it must be also unjust. The principle as applied to Virginia, I believe, is at least as exceptionable: according to the revenue laws of that State, some twenty or thirty years past, the lands were divided into four classes; the lands bounding on the tide waters were placed in this first class and made to pay the highest taxes; the region adjacent in the second class, extending to the Blue Ridge; the third class between the Blue Ridge and the Alleghany; and the fourth beyond the Alleghany, and the tax made to decrease in an arbitrary proportion as the class receded from the first. To my mind this system of taxation is grossly unjust: first, because it regards not the enhanced value arising from convenience to great leading roads, navigable rivers, and fertility of soil; and secondly, because it regards not the changes in specie value produced by the progress of population and cultivation. The Virginia system is unjust in itself, and the apportionment among the several counties of that State dependent upon it must be unjust. But if the apportionment among the counties of Kentucky and Virginia, dependent upon the revenue laws of those States, are exceptionable for their injustice—in those States where something has been done for the purpose of advancing towards the specie value—what shall we say of North Carolina and Tennessee? In the States last mentioned, according to the revenue laws every hundred acres of land pays the same tax; it is perfectly taxation according to quantity

without regard to value; and I believe I may venture to assert, that in the State of Tennessee counties may be selected the lands of which, upon an average valuation, compared with others upon the like valuation, would bear the proportion of five to one. In North Carolina I know not that the disproportion is so extremely great, but have no doubt from the nature of things that it must be great. An apportionment bottomed upon the revenue laws of the States last mentioned, must strike every person as being monstrously unjust. With respect to the other States to which the principle under consideration has been applied, I will say nothing, but have no doubt it will operate unjustly. There is one consideration in relation to this principle which ought not to escape notice, it is that the injustice of the apportionment depending upon the injustice of the State revenue laws is increased in the proportion that the State's quota is greater than the revenue raised under the State laws, which in some of the States is nearly as three to one.

With respect to those States where the principle of apportionment has been drawn from a comparison of the assessments of 1799, with the population of 1800 and 1810, in which it is assumed as true that population and wealth, since the year 1800, have increased in the same ratio, I will say but little, not being intimately acquainted with the internal situation of those States to which it has been applied; but I cannot refrain from remarking that I view it as a very fallacious standard. How often does it happen in the settling of new counties that there is a great and sudden increase of population in particular districts, by emigrations from others, without a correspondent increase of wealth? This, I believe, may have very probably happened in the frontier parts of New York and Pennsylvania in the time between 1800 and 1810. I know such an increase has taken place in Kentucky as would have rendered it monstrously, cruelly unjust, to have applied the principle to many of the counties there. I cannot hesitate to conclude, that in many of the States the principle will operate unjustly; it is in truth but guessing at the sum to be raised on each county, for no man can know that it is anything like a correct standard.

Sir, the want of uniformity in the principle by which the apportionments have been made, is to my mind of itself a ground of objection to the system in its present form; it is certainly desirable that a single principle which would probably produce a just result in its operation upon our wide extended country should be applied; we could not then be charged with partiality or a disregard to the interests of any portion. Local dissensions would be prevented.

Another objection to the system in its present form is the repugnance of the parts. The bill for the assessment and collection of direct taxes, contains in express terms the principle, that all direct taxes shall be assessed upon the value of lands, houses, lots of ground with their improvements, and slaves—the very principle I have contended for; and the bill laying a direct tax makes

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an arbitrary and unjust apportionment among the several counties in each State, without regard to the value of the property upon which it is laid.

Having offered my remarks to show the injustice, want of uniformity, and repugnance of the system in its present form, I will proceed to show the effect of the amendment which I have proposed.

The amendment proposes to proceed upon the principle of taxation according to the specie value, and defers the apportionment among the respective counties in each State until the valuations are made; it provides for the appointment of an officer, whose duty it shall be to collect all the valuations in his State, and ascertain, as a mere matter of arithmetical calculation, the quota of the several counties, and the per centum necessary to be collected to make such quota; it contains several other provisions deemed by me necessary to carry the main principle into complete operation; and provides for cases of transferred property. I will not say that exact justice will in all cases be done; I believe that some injustice may be done by the frauds of assessors, but not to be drawn into comparison with the monstrous injustice of the present apportionments. The amendment in its main principle I know to be theoretically just, and that it harmonizes with an important principle of the bill already stated, and which has formed the basis of my reasoning: the details I am not anxious about; gentlemen may change them, probably for better.

That objections may be stated against the amendment which I have proposed, I have no doubt; I have heard some, but will not now anticipate and meet them. If the amendment proposed is adopted, the fifteenth and sixteenth sections of the bill for the assessment and collection of direct taxes will be stricken out, and also all the sections of the bill laying a direct tax, which apportions the same among the several counties in each State.

Mr. MONTGOMERY subsequently spoke in reply to observations of other gentlemen, nearly as follows:

Mr. Chairman—When I opened the discussion on the amendment under consideration I endeavored, by all the arguments which presented themselves to my mind, to evince the injustice of the system of taxation, so far as regards the apportionment of the direct tax: in this I have been much aided by several gentlemen from Virginia, who have, by reference to several counties, shown the injustice of its operation; and by a gentleman from New Hampshire, showing that a single county in that State will, according to the apportionment, pay seven thousand dollars or thereabouts more than its just portion; and by a gentleman from New York, who has shown that the city and county of New York will pay from seventy to eighty thousand dollars more than its just proportion of the State's quota.

Still further to expose the injustice and absurdity of the system, I will examine the subject in reference to the valuation of houses in Kentucky

and some of the other States. In the States of Kentucky, Ohio, Tennessee, North Carolina, and, in short, I believe in nearly the whole of the States, houses are not taxed under the revenue law; in the system which we propose to adopt houses are to be valued and taxed. The just operation of the tax upon houses would be the lessening the tax upon all other subjects of taxation throughout the State, in the proportion which the value of the houses bore to the value of all the other subjects of taxation; but this is not its effect under the present apportionment; the value of the houses extends not beyond the limits of the county in which they stand. The consequence of this is, that landholders in different counties, of the same fertility, will pay sums different in amount, on account of the higher state of improvement in some counties than others; and it will be in almost every instance land of less specie value paying a higher tax than land of greater value. Is this just, is it politic? I think it certainly is not. Was it for this purpose that States have been subdivided into counties? I take it that it was not. I have supposed that it was for the convenience of the administration of justice, &c., and not that by encircling the richest lands and the most valuable improvements within the line of a county, the value of those lands and improvements were to be lost to a certain degree in the estimation of taxation.

I will now proceed to reply to the most prominent arguments advanced against the amendment which I have proposed, and in support of the bills in their present condition. It is objected to the amendment, that the assessors, with a view to favor their own districts, will undervalue the property, and thereby lessen the amount of taxes. To this I answer, first, that it is not to be presumed, because they will act under the sanction of an oath; secondly, their own individual interest will be so inconsiderable as to afford no temptation; thirdly, that it is as probable that one will do it as another, and if the whole will do so, the general result may be the same as though they had valued honestly; fourthly, this is an evil which may perchance happen, but according to the present apportionments the injustice must happen; fifthly, if this injustice should happen in some small degree, under principles just in themselves, it is what ever has happened from the folly or fraud of ministerial officers; it may be ascribed to the imperfections of human nature, and we cannot be held responsible for it; but if the gross injustice is produced which must result from the present apportionments, we alone are responsible; and it may be an awful responsibility.

It has been objected, that the amendments will increase the expense of the system. I admit that it may eventuate in a small additional expense, perhaps four or five thousand dollars in the United States; but can this be opposed to the gross injustice of the apportionments, by which single counties will pay thousands more than their just portions of the tax? Is a little expense to be saved by doing the most flagrant injustice?

Away with it—it is absurd to speak of the difference in the expense.

It has been very emphatically objected, that a new officer is to be created with vast powers. Those who have urged this, certainly do not understand the amendments; for, by looking into it, it will be seen that those vast powers consist of the power and duty of riding to the principal assessors to collect their certificates of the valuation in the respective counties; to ascertain the quotas of the counties by the principles of arithmetic; and to certify the same to the assessors. Vast, immense powers!

It has been objected to the amendment, that it would procrastinate the collection of the revenue. It is true that if the bill contained no section for postponement, that the plan of the amendment would require about twenty days longer to carry it into operation; but certainly this delay ought not to urge us into an unjust apportionment. But if my amendment is adopted, and a majority of the committee take the same view of the subject which I consider as politic, the part containing the principle of postponement will be stricken out. Gentlemen talk strangely indeed, when they speak of the importance of expedition, and are at the same time in favor of postponing the operation of the revenue laws for five or six months without any reason.

But there is a cure for all the injustice of the apportionments, say gentlemen, in the power vested in the State Legislatures to alter the same. To this I answer, first, that I cannot see the correctness of doing injustice and trusting to others to correct it; it is very uncertain whether the State Legislatures will interfere—it is, in a word, leaving the matter to chance. In the second place, I doubt the constitutionality of transferring this subject to the State Legislatures, and will find considerable difficulty in voting for the bill until it is stripped of this provision. It is a matter of importance with me to get clear of it.

It has been said that we ought to adopt the present plan as a temporary one, that the valuations under it will be just, and that upon them we can build a most perfect system, upon them we can make a just apportionment. How strangely, how inconsistently gentlemen argue! when speaking of the valuations as they relate to the amendment, they are to be unjust and made so with a view to lessen the quota of particular counties; but when it is necessary to find an apology for present injustice, the valuations are to be just. In the same breath it blows hot and cold.

I have now examined all the objections urged against the amendment, and can find nothing in them to change my opinion; they are such as are always at hand, and will lie to any system however perfect; and indeed the main principle of the amendment is exactly correct in theory, but subject like all other principles correct in themselves to be in some measure perverted by the imperfections of human nature; the bills under consideration are imperfect in themselves and liable in some degree to be rendered still

more so by the imperfections of human nature. I have proposed to substitute a just plan for one which will produce gross injustice. I have proposed to substitute a plan operating uniformly and consistently for one which is directly the reverse. I have proposed it under the most thorough sense of duty, and not from a disposition to be captious; if it succeeds it will give me pleasure, because I can then vote for the bills with pleasure, and can with ease justify my votes; if it does not, I assure gentlemen I will vote for the bills reluctantly, and will find it difficult to justify my votes. I will, however, as I now expect, vote for them, believing as I do that partial injustice will not be so great an evil as the loss of public credit at this eventful crisis of our national affairs.

MONDAY, June 28.

Another member, to wit: from New York, ABRAHAM HASBROUCK, appeared, was qualified, and took his seat.

Mr. CRAWFORD presented a petition of James Lloyd, setting forth that he has discovered "a combustible liquid substance, applicable to the purposes of national defence or offence, whether naval or military," and praying the aid and patronage of the Government in carrying his discovery into full effect; which was read, and referred to a select committee. Messrs. CRAWFORD, SEYBERT, and HOPKINS of Kentucky, were appointed the committee.

On motion of Mr. HOPKINS, of New York, the Committee on Military Affairs were instructed to inquire and report whether it will be proper so to amend the articles of war as to allow to all persons on trial before any courts martial, for any capital offence, the right of having counsel to conduct their defence.

An engrossed bill freeing from postage all letters and packets to and from the Superintendent General of Military Supplies, was read the third time, and passed.

A message from the Senate informed the House that the Senate have passed a bill "to authorize the raising a corps of sea-fencibles;" also, a bill "to amend the act in addition to the act, entitled 'An act to raise an additional military force, and for other purposes,'" also, a bill "for the relief of Alexander Scott;" in which bills they desire the concurrence of this House.

The first mentioned bill from the Senate was read twice, and referred to the Committee on Military Affairs.

The second mentioned bill from the Senate was read twice, and referred to the Committee on Military Affairs.

The last mentioned bill from the Senate was read twice, and referred to the Committee of Claims.

Mr. TROUP, from the Committee on Military Affairs, reported the bill from the Senate "to amend the act, entitled 'An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for

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those purposes," with amendments; which were read, and, with the bill, committed to a Committee of the Whole on Monday next.

The House then resolved into a Committee of the Whole on the bill to lay and collect a direct tax within the United States; and after some time, the Committee rose, reported progress in the bill, and obtained leave to sit again.

Mr. FISK, of New York, offered the following resolution for consideration:

Resolved, That the Committee of Ways and Means be instructed to prepare and report to this House a bill on the imposing and collecting of a duty not exceeding — per gallon on all spirits distilled within the United States.

The resolution was referred to a Committee of the Whole; and the House resolved itself into a Committee on said resolve, but before any decision was had thereon, the Committee rose, and reported progress, and obtained leave to sit again.

CONTESTED ELECTION.

Mr. FISK, of Vermont, from the Committee of Elections, to whom was recommended the report on the contested election between John P. Hungerford and John Taliaferro, made a supplemental report; which was read, and referred to a Committee of the Whole to-morrow.

The report is as follows:

That, from the polls of the several counties, the sitting member appears to have obtained a majority of twenty-four votes in the district.

The petitioner claims the seat on the ground that a majority of the legal votes at said election were given for him; and, as evidence to support his claim, produced the land list of 1812, with a copy of the poll taken in each county in the district of said election. that, on comparing the polls of each county with the aforesaid land list, and taking that as the test, it appears that 193 persons who voted for the petitioner, and 234 persons who voted for the sitting member, were not qualified to vote: that, deducting from both polls the persons challenged, who do not appear to have been qualified to vote according to the land list aforesaid, there is left for Mr. Taliaferro a majority of seventeen votes over Mr. Hungerford. The petitioner contends that the difficulties of ascertaining the names, places of abode, and property, of the voters, presented by the omission of duly entering their names on the poll book, forbid the hope of a fair and successful scrutiny of the poll by means of any other evidence than that of comparing it with the land list, on which alone ought the merits of his claim, and the right of the sitting member to his seat, to rest. But the committee were of opinion that it was competent for the parties to support their challenges and polls by other evidence, and therefore admitted the accompanying affidavits, with the testimony of Henry Lee, junior, Daniel C. Brent, and John Cook, (the two latter gentlemen produced by the petitioner,) as sufficient to support forty-three of the votes on his poll, that were challenged by the petitioner, and not found on the land list aforesaid. And the petitioner, by the testimony of the said Lee, Brent, and Cook, proved the legality of fifteen votes found on his poll, challenged by the sitting member, and not found on the land list. That, by adding the aforesaid forty-three votes to the poll of Mr. Hungerford, and the said fifteen votes to

the poll of Mr. Taliaferro, there is left for the former gentleman a majority of eleven votes over the latter.

The petitioner contends that the evidence exhibited by the affidavits fell far short of supporting the votes it was intended for, because it did not show that the voters had the possession of the *freehold title* to their lands, as well as of the land itself, in right of which they voted, six months prior to the day of said election, and which, as he alleged, the laws of Virginia required to entitle them to vote, except in cases where they came into possession of the land by marriage, descent, or devise. If this construction of the law, which the strict letter of it seems to warrant, had been adopted by the committee, it would have left fourteen of the aforesaid forty-three votes, given for Mr. Hungerford, unsupported, and to the petitioner a majority of four votes; but, from the best information the committee could obtain of the construction given this law, by the usage of the Virginia Legislature, a majority were inclined to the opinion that the spirit and intention of the law were satisfied when the voter had been six months in the actual possession of the land, and obtained his freehold title to the same any time previous to his voting.

From the above statement of facts, the committee are of opinion that the petitioner has not supported his petition.

Ordered, That Mr. TALIAFERRO have leave to occupy a seat on the floor of the House during the discussion on the above-mentioned report.

THE WAYS AND MEANS.

The House resumed the consideration of the bill for the assessment and collection of direct taxes and internal duties.

The question depending at the time of adjournment on Saturday last, on the motion of Mr. MONTGOMERY, to strike out the fifteenth section of the said bill, and to insert three new sections, was stated; and, being taken, it was determined in the negative—yeas 60, nays 101, as follows:

YEAS—Messrs. Baylies of Massachusetts, Bigelow, Bowen, Bowers, Boyd, Bradbury, Brigham, Champion, Clark, Cooper, Cox, Davenport, Desha, Duvall, Ely, Gaston, Grosvenor, Hale, Hanson, Harris, Hopkins of Kentucky, Howell, Hufty, Kent of New York, Lefferts, Markell, McKee, McLean, Miller, Moffitt, Montgomery, Moseley, Newton, Oakley, Ormsby, Pearson, Pickering, Pitkin, Post, John Reed, Ridgely, Roane, Ruggles, Schureman, Seybert, Sharp, Smith of New Hampshire, Smith of New York, Stanford, Stockton, Stewart, Sturges, Tallmadge, Vose, Ward of Massachusetts, Webster, Wilcox, Wilson of Massachusetts, Winter, and Wood.

NAYS—Messrs. Alexander, Alston, Anderson, Archer, Avery, Bard, Barnett, Beall, Bibb, Bradley, Breckenridge, Brown, Burwell, Butler, Caperton, Caldwell, Calhoun, Chappell, Cheves, Clopton, Comstock, Condict, Conard, Crawford, Creighton, Culpeper, Davis of Pennsylvania, Denoyelles, Dewey, Earle, Evans, Farrow, Findley, Fisk of New York, Forney, Forsyth, Franklin, Gholson, Glasgow, Gloninger, Goldsborough, Goodwyn, Gourdin, Griffin, Grundy, Hall, Hasbrouck, Hawes, Hopkins of New York, Hubbard, Hungerford, Hyneman, Ingersoll, Ingham, Irwin, Jackson of Virginia, Kennedy, Kent of Maryland, Kerr, Kershaw, Kilbourn, King of Massachusetts, King of North Carolina, Lewis, Lovett, Lowndes, Lyle, Macon, McCoy, McKim, Moore, Murfree, Nelson, Parker, Pickens, Pi-

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per, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ringgold, Roberts, Robertson, Sage, Sevier, Sheffey, Smith of Pennsylvania, Smith of Virginia, Strong, Tannehill, Taylor, Telfair, Thompson, Troup, Ward of New Jersey, Wheaton, White, Whitehill, Wilson of Pennsylvania, Wright and Yancey.

This motion having been negatived, a motion was made by Mr. HOPKINS, of New York, to strike out the said 15th section altogether; which motion was also negatived—yeas 68, nays 84, as follows:

YEAS—Messrs. Alexander, Beall, Bigelow, Bowers, Bowen, Bradbury, Brigham, Champion, Creighton, Cooper, Culpeper, Davenport, Desha, Dewey, Duvall, Ely, Gaston, Geddes, Goldsborough, Hale, Harris, Hopkins of New York, Howell, Hufty, Ingham, Jackson of Rhode Island, Kennedy, Kent of New York, Kilbourn, King of Massachusetts, Lafferts, Lovett, Markell, McKee, McLean, Miller, Moffitt, Montgomery, Moseley, Pearson, Pickering, Pitkin, Post, Potter, John Reed, Ridgely, Roane, Ruggles, Schureman, Seybert, Sharp, Smith of New Hampshire, Smith of New York, Stanford, Stockton, Sturges, Taggart, Tallmadge, Thompson, Vose, Ward of Massachusetts, Webster, Wilcox, Wilson of Massachusetts, Winter, and Wood.

NAYS—Messrs. Alston, Anderson, Archer, Avery, Bard, Barnett, Bibb, Bradley, Breckenridge, Brown, Burwell, Butler, Caperton, Caldwell, Calhoun, Chappell, Cheves, Clark, Clopton, Comstock, Condict, Conard, Crawford, Davis of Pennsylvania, Dawson, Denoyelles, Earle, Evans, Farrow, Fisk of New York, Forney, Gholson, Glasgow, Gloninger, Goodwyn, Gourdin, Griffin, Grundy, Hall, Hasbrouck, Hawes, Hopkins of Kentucky, Hubbard, Hungerford, Ingersoll, Irwin, Jackson of Virginia, Kent of Maryland, Kerr, Kershaw, King of North Carolina, Lewis, Macon, McCoy, McKim, Moore, Murfee, Nelson, Newton, Ormsby, Parker, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ringgold, Roberts, Sage, Sevier, Sheffey, Smith of Pennsylvania, Smith of Virginia, Strong, Tannehill, Taylor, Troup, Ward of New Jersey, White, Whitehill, Wilson of Pennsylvania, Wright, and Yancey.

Mr. GASTON moved to amend that part of the bill which exempts tools of trade, beasts of the plough, arms, household utensils, and apparel, from distress for taxes, by adding also "household furniture."

The motion was agreed to—yeas 82, nays 71, as follows:

YEAS—Messrs. Baylies of Massachusetts, Beall, Bigelow, Boyd, Bradbury, Breckenridge, Brigham, Burwell, Caperton, Calhoun, Cheves, Cooper, Cox, Davenport, Desha, Dewey, Ely, Farrow, Findley, Forney, Gaston, Geddes, Glasgow, Goldsborough, Grundy, Hale, Harris, Hopkins of New York, Howell, Hungerford, Jackson of Rhode Island, Kennedy, Kent of New York, Kent of Maryland, Kilbourn, King of Massachusetts, King of North Carolina, Lewis, Lovett, Lowndes, Markell, McKee, Miller, Moffitt, Moseley, Murfee, Nelson, Oakley, Pearson, Pickering, Pickens, Piper, Pitkin, Post, John Reed, William Reed, Ridgely, Ruggles, Schureman, Sheffey, Sherwood, Smith of New York, Stanford, Stockton, Strong, Stuart, Sturges, Taggart, Tallmadge, Tannehill, Thompson, Vose, Ward of Massachusetts, Webster,

Wheaton, White, Wilcox, Wilson of Massachusetts, Winter, Wood, Wright, and Yancey.

NAYS—Messrs. Alexander, Alston, Anderson, Archer, Avery, Bard, Barnett, Bibb, Bowen, Bradley, Brown, Butler, Chappell, Clark, Clopton, Comstock, Condict, Conard, Crawford, Creighton, Davis of Pennsylvania, Dawson, Denoyelles, Duvall, Earle, Evans, Fisk of Vermont, Fisk of New York, Franklin, Gholson, Goodwyn, Gourdin, Griffin, Hall, Hawes, Hopkins of Kentucky, Hubbard, Hyneman, Ingersoll, Ingham, Irwin, Jackson of Virginia, Kerr, Kershaw, Lafferts, Lyle, Macon, McCoy, McKim, Moore, Newton, Ormsby, Parker, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ringgold, Roane, Roberts, Sage, Sevier, Seybert, Sharp, Smith of Pennsylvania, Smith of Virginia, Taylor, Troup, Ward of New Jersey, Whitehill, and Wilson of Pennsylvania.

The bill was then further amended, and ordered to be engrossed, and read the third time on Wednesday.

TUESDAY, June 29.

Mr. MOORE presented a petition of Thomas H. Roberts, stating that he has invented a machine that may be applied with great effect in maritime warfare, and, particularly, in the defence of ports, rivers, and harbors, and praying that the merits of his invention may be investigated by Congress.—Referred to the Committee on Military Affairs.

Mr. ARCHER, from the Committee of Claims, reported the bill from the Senate "for the relief of Alexander Scott," without amendment, and it was committed to a Committee of the Whole to-morrow.

Mr. ARCHER, from the same committee, reported a bill concerning invalid pensioners; which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. ARCHER, from the same committee, reported a bill for the relief of Edwin T. Satterwhite; which was read twice, and committed to a Committee of the Whole to-morrow.

On motion of Mr. ARCHER, the Committee of Claims were discharged from the further consideration of all other business now before them, and not reported on, for the reason that it would be utterly impracticable to act on the said business at the present session. This order was unsuccessfully opposed by Mr. GOLDSBOROUGH, who proposed to except from the general discharge the case of Henry Harris, but failed.

Mr. ROBERTSON, from a select committee, appointed on the first instant, reported a bill to establish a district court in the Mississippi Territory; which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. TROUP, from the Committee on Military Affairs, reported the bill from the Senate "to amend the act in addition to the act, entitled 'An act to raise an additional military force, and for other purposes,' without amendment; and the bill was committed to the Committee of the Whole to whom was referred the bill supplementary to the act, entitled 'An act to raise an additional military force.'"

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Mr. TROUP, from the same committee, also reported the bill from the Senate "to authorize the raising a corps of sea fencibles," without amendment; and the bill was committed to the Committee last mentioned.

REMONSTRANCE OF MASSACHUSETTS.

Mr. PICKERING presented the Memorial or Remonstrance of the Legislature of Massachusetts against the war; which he read in his place, as follows:

To the Honorable the Senate and the Honorable the House of Representatives of the United States, in Congress assembled:

The Legislature of Massachusetts, deeply impressed with the sufferings of their constituents, and excited by the apprehension of still greater evils in prospect, feel impelled, by a solemn sense of duty, to lay before the National Government their view of the public interests, and to express with the plainness of freemen, the sentiments of the people of this ancient and extensive Commonwealth.

Although the precise limits of the powers reserved to the several State Sovereignities have not been defined by the Constitution, yet we fully coincide in the correctness of the opinions advanced by our venerable Chief Magistrate, that "our constitutions insure to us the freedom of speech, and that, at this momentous period, it is our right and duty to inquire into the grounds and origin of the present war, to reflect on the state of public affairs, and to express our sentiments concerning them, with decency and frankness, and to endeavor, as far as our limited influence extends, to promote, by temperate and Constitutional means, an honorable reconciliation."

If, then, such are the rights and duties of the people, surely those who, at this solemn crisis, are selected by them, and who are specially honored with their confidence, may venture respectfully but frankly to express the sentiments and feelings of those whom they have the honor to represent.

The States, as well as the individuals composing them, are parties to the national compact; and it is their peculiar duty, especially in times of peril, to watch over the rights and guard the privileges solemnly guaranteed by that instrument. Certainly then this expression from the Legislature of the free and independent Commonwealth of Massachusetts, will not be disregarded by the present Congress of the United States. For although the numerous petitions and remonstrances of the people of this State, in relation to such measures as they deemed dangerous to their rights and ruinous to their interests, have heretofore been received in a manner little calculated to produce that harmony and to cement that union, which ought to be the permanent aim of the General Government, yet we cannot but indulge the hope that new councils and a more conciliatory spirit will distinguish the several branches of the present National Legislature; that they will endeavor, by the exercise of justice and impartiality, to allay the apprehensions and restore the confidence of the eastern and commercial States; to remove their actual sufferings, and to replace them in the happy and prosperous condition from which they have been driven by a succession of measures, hostile to the rights of commerce, and destructive to the peace of the Union.

It is not to be expected, that a hardy and industrious people, instructed in the nature of their rights

and tenacious of their exercise, whose enterprise was a source of individual wealth and national prosperity, should find themselves obliged to abandon their accustomed employments, and relinquish the means of subsistence, without complaint; or that a moral and Christian people should contribute their aid in the prosecution of an offensive war without the fullest evidence of its justice and necessity.

The United States, from the form of their Government, from the principles of their institutions, from the sacred professions which in all periods of their history they have made, from the maxims transmitted to them by patriots and sages, whose loss they can never sufficiently deplore, as well as from a regard to their best and dearest interests, ought to be the last nation to engage in a war of ambition or conquest.

The recent establishment of their institutions, the pacific, moral, and industrious character of their citizens, the certainty that time and prudent application of their resources would bring a seasonable remedy for any transient wrongs, would have induced a wise and provident, an impartial and temperate Administration, to overlook, if it had been necessary, any temporary evils, which either the ambition, the interest, the cupidity, or the injustice of foreign Powers might occasionally, and without any deep and lasting injury, have inflicted.

With these maxims and these views, we cannot discern anything in the policy of foreign nations towards us, which in point of expediency required the sacrifice of so many and so certain blessings as might have been our portion, for such dreadful and inevitable evils as all wars, especially in a Republic, entail upon the people.

But when we review the alleged causes of the war against Great Britain, and more particularly the pretences for its continuance, after the principal one was removed, we are constrained to say that it fills the minds of the good people of this Commonwealth with infinite anxiety and alarm. We cannot but recollect, whatever the pretences of the Emperor of France may have been, pretences which have uniformly preceded and accompanied the most violent acts of injustice, that he was the sole author of a system calculated and intended to break down neutral commerce, with a view to destroy the opulence and cripple the power of a rival whose real policy was to uphold that commerce, so essential to her own prosperity.

It is not for us to decide, whether the enemy of France did or did not adopt the most natural and efficacious means of repelling her injustice. It is sufficient that we are persuaded the United States might, by a firm and dignified yet pacific resistance to the French decrees, have prevented the recurrence of any retaliatory measures on the part of Great Britain; measures not intended to injure us, but to operate on the author of this unjust and iniquitous system. And however honorable men may differ as to the justice of the British retaliatory Orders in Council, we do not hesitate to say that France merited from our Government a much higher tone of remonstrance and a more decided opposition.

In reviewing the avowed causes of the present war, we would if it were possible pass over a series of transactions imperfectly explained and calculated to excite our alarm and regret at the hasty manner in which it was declared. But the history of the pretended repeal of the French decrees, which if our Government was sincere we are bound to believe was the

immediate cause of the war, is so well attested, and has been so often discussed, and is besides so important in this inquiry, that mere motives of delicacy cannot induce us to pass it over without notice.

If war could be justified against Great Britain exclusively, it must have been on the ground assumed by our Government, that the French decrees were actually repealed on the first of November, 1810. The indiscriminate plunder and destruction of our commerce; the capture of our ships by the cruisers of France, and their condemnation by her courts, and by the Emperor in person; his repeated and solemn declaration that those decrees were still in force, and constituted the fundamental laws of his Empire, at a period long subsequent to the pretended repeal; seemed to furnish answer sufficiently conclusive to this question; and we cannot but lament that evidence so satisfactory to the rest of the nation should have had so little weight with that Congress whose term of service has lately expired.

But this important question is now definitively answered; and the American people have learned, with astonishment, the depth of their degradation. The French Emperor, as if for the perfect and absolute humiliation of our Government, and for the annunciation to the world that he held us in utter contempt, reserved till May, 1812, the official declaration of the fact, that these decrees were not repealed until April, 1811; and then, not in consequence of his sense of their injustice, but because we had complied with the condition he had prescribed in the letter of the Duke of Cadore, in causing "our rights to be respected," by a resistance to the British orders; and he has since added, that this decree of repeal was communicated to our Minister at Paris, as well as to his own at Washington, to be made known to our Cabinet. As the previous pledge of Great Britain gave the fullest assurance, that she would repeal her orders as soon as the decrees on which they were founded should cease to exist; and as her subsequent conduct leaves no doubt that she would have been faithful to her promise, we can never too much deplore the neglect to make known this repeal, whether it be attributable to the French Government or our own.

If to the former belong the guilt of this duplicity and falsehood, every motive of interest, and every incitement of duty, call loudly upon our Administration to proclaim this disgraceful imposition to the American people; not only as it would serve to develop the true character and policy of France, but to acquit our own officers of a suppression too serious to be overlooked or forgiven.

But whatever may be the true state of this mysterious transaction, the promptness with which Great Britain hastened to repeal her orders, before the declaration of war by the United States was known to her, and the restoration of an immense amount of property, then within her power, can leave but little doubt that the war, on our part, was premature; and still less, that the perseverance in it after that repeal was known was improper, impolitic, and unjust.

It was improper; because it manifested, in this particular instance, a distrust in good faith and disposition to peace, of a nation, from which we had just received a signal proof of both.

It was impolitic; because it gave countenance to the charge of a subserviency to the views of France, and of an ulterior design of co-operating with her, in the profligate and enormous project of subjugating the rest of Europe.

It was impolitic; as it intended to unite all descrip-

tions of people, in England, in favor of the present war, and to convince them, however erroneously, that moderation and fairness on her part, only laid the foundation of new claims and higher pretensions, on ours.

It was unjust; because the evidence afforded by the prompt repeal of the Orders in Council, ought to have satisfied us that Great Britain was sincerely disposed to maintain and preserve pacific relations with the United States; and all wars are unjust, the objects of which can be attained by negotiation.

It was unjust; because the whole history of our diplomatic intercourse with Great Britain shows, that we never induced her to believe, that we considered the impressment of her own seamen, on board our merchant ships, as reasonable ground of war; and we had never offered her the alternative of war, or a relinquishment of the practice.

It was unjust; because the pretensions and claims, on the one side and the other, although attended with difficulties, were not irreconcilable. Great Britain did not claim the right to impress our native seamen. She disavowed the practice, in all cases, when the fact was made known to her—she restored on legal evidence—she had recently offered to return all who were of that description, of whom a list should be furnished by our Government; and she had, many years before, made such offers of fair and amicable arrangement of this whole subject, as, to two distinguished members of our present Cabinet, appeared "both honorable and advantageous."

It was unjust; because we had not previously taken all the reasonable steps, on our part, to remove her complaints of the seduction and employment of her seamen. This is made manifest, by the conduct of the same Congress which declared the war, they having admitted the propriety of obviating those complaints, by an act passed subsequent to the commencement of hostilities.

No State in the Union can have a greater interest, or feel a stronger desire to protect commerce, and maintain the legitimate rights of seamen, than this Commonwealth. Owners of one-third of all the navigation, and probably furnishing nearly one-half of all the native seamen of the United States, we are better enabled to appreciate the extent of the sufferings, and must also be presumed to sympathize with them, more sincerely than the citizens of States destitute of commerce, and whose sons are not engaged in its prosecution; unless it be admitted, that the sufferers, their parents, relatives, and friends, are less interested in their welfare and protection, than those who are united to them only by the feeble ties of political connexion.

With all the means of information furnished by every motive of duty, and every inducement of interest, we are constrained to say, that this evil of impressment has been grossly exaggerated; that we have reason to believe, an honest and fair proposal, as honestly and fairly executed, to exclude the subjects of Great Britain from the service, would have much more effectually relieved our own seamen, and more essentially advanced their interest, than a resort to war; that the true interests of the United States coincide with the policy adopted by all other countries; and that we should be more independent, our seamen better protected, and our country eventually more prosperous, by renouncing altogether the pretension of screening and employing British seamen.

The doctrine of natural allegiance is too well founded, has been too long established, and is too consonant

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with the permanent interest, the peace and independence of all nations, to be disturbed for the purpose of substituting in its place certain visionary notions, to which the French Revolution gave birth, and which, though long since exploded there, seem still to have an unhappy influence in our country.

Having thus found the avowed causes of the war, and especially the motive for a perseverance in it, so wholly inadequate, to justify the adoption of that policy, we have been obliged to resort to other and more concealed motives. We cannot, however, without the most conclusive evidence, believe, although the measures and language of some high public functionaries indicate the fact, that ambition and not justice, a lust of conquest and not a defence of endangered rights, are among the real causes of perseverance in our present hostilities.

Must we then add another example to the catalogue of Republics which have been ruined by a spirit of foreign conquest? Have we no regard to the solemn professions we have so often repeated, none to the example, none to the precepts of Washington? Is it possible, either to acquire, or to maintain, extensive foreign conquest, without powerful standing armies? And did such armies ever long permit the people who were so imprudent as to raise and maintain them, to enjoy their liberties?

Instances of military oppression have already occurred among us; and a watchful people, jealous of their rights, must have observed some attempts to control their elections, and to prostrate the civil before the military authority. If the language of some men high in office—if the establishment of a chain of military posts in the interior of our country—if the extensive preparations which are made in quarters where invasion cannot be feared, and the total abandonment and neglect of that part of our country where alone it can be apprehended, have excited our anxiety and alarm, as to the real projects of our rulers, these emotions have not been diminished by the recent invasion, seizure, and occupation of the territory of a peaceable and unoffending neighbor.

If war must have been the portion of these United States—if they were destined by Providence to march the downward road to slavery, through foreign conquest and military usurpation, your remonstrants regret that such a moment and such an occasion should have been chosen for the experiment; that while the oppressed nations of Europe are making a magnanimous and glorious effort against the common enemy of free States, we alone—the descendants of the pilgrims—sworn foes to civil and religious slavery, should voluntarily co-operate with the oppressor to bind other nations in his chains; that, while diverting the forces of one of his enemies from the mighty conflict, we should endanger the defenceless territories of another, in whose ports the flag of our independence was first permitted to wave, now struggling for existence, beneath his iron grasp.

Permit the Legislature of this Commonwealth, whose citizens have been ever zealous in the cause of freedom, and who contributed their utmost efforts for the adoption of that Constitution under which, in former times, we enjoyed so much prosperity, most respectfully, but earnestly to entreat and conjure the constituted authorities of the nation, by the regard due to our liberties, to our union, to our civil compact, already infringed—to pause before it be too late. Let the sober, considerate, and honorable Representatives of

our sister States, in which different councils prevail, ask themselves—

Were not the territories of the United States sufficiently extensive before the annexation of Louisiana, the projected reduction of Canada, and seizure of West Florida?

Had we not millions upon millions of acres of uncultivated wilderness, scarcely explored by civilized man?

Could these acquisitions be held as conquered provinces without powerful standing armies? and would they not, like other infant colonies, serve as perpetual drains of the blood and treasure of these United States? Or, is it seriously intended to adopt the dangerous project of forming them into new States, and admitting them into the Union, without the express consent of every member of the original confederacy? Would not such a measure have a direct tendency to destroy the obligations of that compact, by which alone our Union is maintained?

Already have we witnessed the formation and admission of one State beyond the territorial limits of the United States, and this, too, in opposition to the wishes and efforts, as well as in violation of the rights and interests of some of the parties to that compact; and the determination to continue that practice, and thereby to extend our Republic to regions hitherto unexplored, or peopled by inhabitants whose habits, language, religion, and laws are repugnant to the genius of our Government, is openly avowed.

Against a practice so hostile to the rights, the interests, the safety of this State, and so destructive to her political power; so subversive of the spirit of the Constitution, and the very principles upon which it is founded; your remonstrants, in the name and behalf of the Commonwealth of Massachusetts, feel it their duty to enter their most deliberate and solemn protest.

If an extensive confederated Republic is to be maintained, and we most fervently pray that it may, it can only be by a free communication of the grievances felt and the evils apprehended, by any of its members, and by a prompt and liberal remedy. The same spirit of concession which dictated the formation and adoption of the Constitution, should be kept in permanent and perpetual exercise.

The blessings of Government, its vigilance, its protection, its rewards, should be equally and impartially distributed, and its burdens as equally and fairly imposed. No portion of the Union ought to be sacrificed to the local interest, passions, or aggrandizement of others. It cannot, however, be denied, that causes have occurred to disturb the balance, which, when adjusted, was intended to form the principal security of our present compact. But the remedy is in the power of Congress, and we look to their wisdom for its efficacious and speedy application.

The chief motive which influenced the Eastern States to abolish the old confederation, and to surrender a greater share of their own Sovereign power, as appears by the recent history of those times, was the expectation that their commerce would be better protected by the National Government.

The hardy people of the North stood in no need of the aid of the South, to protect them in their liberties. For this they could safely rely, as they always had done, on their own valor. But it was an important object with them, that every aid, facility, and encouragement, should be given to that commerce upon which their prosperity almost exclusively depended.

To insure this great object, a very unequal propor-

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tion of political power was conceded to the Southern States. The representation of slaves was the price paid by the Northern States for the stipulated protection and encouragement of their trade, and for an agreement of the Southern members of the Union, that the public burdens should be apportioned according to representation. Experience, however, has proved, that although the contract on our part has been faithfully fulfilled, both these considerations have utterly failed.

Indications of a spirit hostile to commerce were early visible among some of those who now control the destinies of our Republic. But the Father of his Country then presided in our Councils, and this spirit was vanquished. Under the influence of the wise, and liberal, and magnanimous system, adopted and pursued by his Administration, commerce was indeed cherished, extended and protected; and the stipulations of the Constitution were fulfilled, in sincerity and good faith.

Since that period, however, the same spirit has arisen, and has exhibited an unrelenting severity in the exercise of its sway—until, at length, by a series of restrictions, utterly destructive of the calculations of the merchant—by prohibitions and double duties—by embargoes and non-intercourse—and, lastly, by war, the poor remains of the commerce which once covered the ocean with its sails, have been nearly annihilated.

Nor has the other part of the consideration been better fulfilled—taxation has never, except in one instance, and that the one-hundredth part only of the revenue raised under the Constitution, been apportioned according to representation; and with what reluctance it was then submitted to by the Southern States, and with what tardiness it was even partially collected, public records will determine.

Of the two hundred and fifteen millions of dollars derived by the United States, under the operation of the Federal Government, Massachusetts has paid upwards of forty millions—an amount beyond all proportion to her political weight in the Union.

If, therefore, the revenues, derived from this Commonwealth, and paid into the National Treasury, had been preserved in her own, she would have been fully competent to her own defence, and would not have been obliged to solicit, nor experience the injustice of a refusal of the arms, for which she has long since paid, and which were her due from the General Government. What good cause can be assigned for this refusal, your remonstrants are wholly unable to determine. No discretion is by law vested in any officer of the Government, in relation to this subject. Its provisions are simple, plain, and peremptory. Your remonstrants, therefore, cannot but express their astonishment, that the State of Massachusetts, possessing a seacoast more extensive and populous than that of any other State in the Union, and a defenceless frontier by land, should not only be entirely abandoned by the Government whose duty it is to protect her, but should also be refused the arms for her own defence to which she is by law entitled. They cannot, however, permit themselves to doubt, that Congress will forthwith adopt such measures, as will render to this Commonwealth that justice which the Executive Department has refused.

If the war in which we have been rashly plunged was undertaken to appease the resentment, or secure the favor of France, deep and humiliating must be our disappointment. For, although the Emperor is lavish in his professions of "love for the American people," applauds our ready self-devotion, and declares "that

our commerce and our prosperity are within the scope of his policy," yet no reparation has been made or offered for the many outrages, indignities, and insults he has inflicted on our Government, nor for the unnumbered millions of which he has plundered our citizens. And when we consider the course of policy pursued by our Rulers, in their external relations and commercial restrictions, from the prohibition of our trade to St. Domingo, to the declaration of war against Great Britain; that this course often received his open approbation, and was not unfrequently conformable to the system which he himself has adopted—when we consider also the mysterious secrecy which has veiled the correspondence of the two Governments from our view; and, above all, when we consider, that in many instances the most important measures of our Government have been anticipated in Paris long before they were known to the American people, we cannot conceal our anxiety and alarm for the honor and independence of our country. And we most fervently pray, that the sacrifices we have already made, like the early concessions of Spain and Portugal, of Prussia and Sweden, may not be the preludes to new demands and new concessions, and that we may be preserved from all political connexion with the common enemy of civil liberty.

To the constituted authorities of our country we have now stated our opinions and made known our complaints—opinions, the result of deliberate reflection, and complaints "wrung from us by the tortures of that cruel policy" which has brought the good people of this Commonwealth to the verge of ruin. A policy which has annihilated that commerce so essential to their prosperity; increased their burdens, while it has diminished their means of support; provided for the establishment of an immense standing army, dangerous to their liberties, and irreconcilable with the genius of their Constitution; destroyed their just and Constitutional weight in the General Government; and, by involving them in a disastrous war, has placed in the power of the enemy the control of the fisheries—a treasure of more value to the country than all the territories for which we are contending, and which furnished the only means of subsistence to thousands of our citizens—the great nursery of our seamen—and the right to which can never be abandoned by New England.

Under such circumstances, silence towards the Government would be treachery to the people. In making this solemn representation of our sufferings and our dangers, we have been influenced only by the duty which we owe to our constituents and our country, to our consciences, and the memory of our fathers. And to the Searcher of all hearts we appeal for the purity of our motives, and the sincerity of our declarations.

Far from wishing to embarrass the Administration in any of their negotiations for peace, we cannot but express our regret, that they should not have evinced a sincere desire for this great object, by accepting some of the repeated overtures made by the enemy for the suspension of hostilities. And permit us, in conclusion, most earnestly to request, that measures may immediately be adopted to stay the sword of the destroyer, and to prevent the further effusion of human blood; that our invading armies may be forthwith recalled within our own territories; and that every effort of our Rulers may be speedily directed to the attainment of a just and honorable peace; that mutual confidence and commercial prosperity may be again restored to our

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distracted and suffering country; and that by an upright and faithful administration of our Government, in the true spirit of the Constitution, its blessings may be equally diffused to every portion of the Union.

In the House of Representatives, June 14, 1813. Read and accepted. Sent up for concurrence.

TIMOTHY BIGELOW, *Speaker.*

In the Senate, June 15th, 1813, read and concurred.

JOHN PHILLIPS, *President.*

After the reading of the remonstrance was concluded—

Mr. PICKERING moved to refer the memorial to a Committee of the Whole on the state of the Union.

Mr. ROBERTSON objected to the reference. He had heard a part of this remonstrance read with great concern, and it should never be referred to any Committee of the House with his consent. He could not consent that that part of the remonstrance which brought into view anything relating to the sovereignty of Louisiana, should be made a question before this House or any committee of the House. He called upon intelligent members on all sides of the House to frown upon anything which should place that State in a light different from any other. The State of Louisiana had been admitted into the Union by laws solemnly passed; she had been guilty of no act which could have a tendency to deprive Massachusetts of any right, or any weight in the Union. That State had still her Constitutional weight in the nation; she had all the officers belonging to her, and was deprived of no right to which any other State was entitled. If she had not that influence in the nation which she wished, she certainly would not look for its diminution in the abridgment of any Constitutional right. She has experienced none. She may look to the diminution of her influence, if she has experienced any, to any other cause quite as rationally as to the introduction of Louisiana into the Union. Long before that event, the Eastern States had lost a considerable portion of that influence which they had previously possessed in the Union. The operation of the provisions of the Constitution had produced that effect. As it regarded that portion of the remonstrance which adverts to the war in which we are engaged, to the manner in which it has been conducted, to the refusal of arms, &c.—these portions of the remonstrance might give rise to some act, and might or might not be a proper subject of inquiry by the House of Representatives. But what act could grow out of that part complaining of the introduction of Louisiana into the Union? Would this House be so lost to the rights of Louisiana, rights equal to those of any other State; would it be so lost to the rights of that State as to take into consideration the petulant and unfounded complaints against the participation of that State in the Union? Was not every State in the Union interested in guarding against the slightest approach to the investigation of the sovereign rights of States in the Union? Mr. R. said he could not, consistently with his duty to the respectable State he represented, sit silent whilst observa-

tions which he would term at least indelicate towards it, were proposed to be seriously taken into consideration by the House; to have withheld his protest on this occasion, would have manifested a want of respect to his constituents and to himself, a want of feeling, which he hoped never to be guilty of. His only object being to express his sentiments on so much of the memorial as relates to Louisiana, he moved to except from the general reference of this memorial so much of it as relates to the admission of Louisiana into the Union.

Mr. FISK, of New York, said he would make a motion, which would supersede the motion of the gentleman from Louisiana, that the petition should lie on the table; which he did from a belief that it would be the most proper course the House could take with an instrument like that now under consideration—a paper without a parallel, he believed, in the history of Government, certainly unprecedented in this Government. That paper commences with reminding us of our duty; it may not here be improper to reflect for a moment on the nature of our duties—on what are our Constitutional rights and privileges, and what are the rights and privileges of that body which has come forward with this remonstrance. The Constitution has granted to us expressly and exclusively the power of declaring war, and raising armies, &c. No one can contend that these powers belong to the individual States; and whilst the right of remonstrance against the measures of Government cannot be questioned, the occasion will rarely present itself when the Legislature of a State could be authorized to erect themselves into a board of censors on the conduct of the General Government. Mr. F. then adverted to the language of this document in relation to the war. If it should be referred to a Committee of the whole House on the State of the Union, in what an absurd dilemma would the national councils be involved? A year ago they deemed it necessary to declare war—and now, without an overture on the part of the enemy, whilst the arm of the nation is extended, to go into a committee on such strange productions as this, would tend to paralyze the national arm, and violate the feelings (he had almost said the character) of the people who sent us here. The memorial on the table, Mr. F. said, among other insinuations against the majority of the House and nation, contained one which, if applied to him individually, he would pronounce false and unfounded—he meant the charge of foreign influence. He would not for a moment stoop to investigate such a charge. The general tenor of the remonstrance, indeed, Mr. F. said, was indecorous in manner and erroneous in fact.

It would be well, perhaps, in determining what course this body ought to pursue in relation to that paper, to reflect for a moment what had been the history of this Government for eight or ten years past. Within that time, remonstrances had been addressed to this Legislature from the same source exactly contradictory of each other. In

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1803 and 1804, our tables were loaded with remonstrances against injuries of the belligerents, particularly of England. We were then told that the measures of England were calculated for the destruction of our commerce—the magnanimity and spirit of the Government were invoked to put forth its arm and save Massachusetts from the losses she incurred by British depredations on our commerce. Our Government sent a Minister Extraordinary to England. The people having become afterwards disgusted with a protracted diplomatic discussion, restrictive measures were resorted to, to enforce negotiation, not to destroy commerce. The embargo was next resorted to, but that and all other measure were opposed by the party which has forwarded this memorial, notwithstanding that section of the Union had emphatically called on us to protect their interests. They opposed the very measures they had called for—because, in calling on the General Government to act, they had submitted the mode of action to its discretion. It was said the British Government never would negotiate under our restrictive measures, but they did—and Erskine's arrangement was made. [Mr. F. was here called to order by a gentleman on the Federal side. The SPEAKER said, Mr. F. had ranged too widely in the debate.] Mr. F. said, he would not persist if out of order; nor even if it were unpleasant, as it appeared to be to gentlemen on the other side of the House, to hear the recapitulation of facts in relation to our foreign concerns. He must plead, as his excuse for ranging widely on this occasion, the singularity of the paper now before the House. It is not expected by the warmest advocate of the memorial, if advocate it has in this House, that we can repeal our declaration of war, and recall our Army and Navy from the field, under present circumstances. And in respect to Louisiana, he considered it equally improper to question her rights or sovereignty as it would be to question those of New York. He could not, therefore, on any view of the subject, consent to refer this remonstrance.

Mr. PICKERING waived his motion for reference to a Committee of the Whole; he had no objection that for the present the memorial should lie on the table. He would at this time make a remark or two only, in reply to what had fallen from the gentleman from Louisiana. I was, said Mr. P., a member of the Senate, when the treaty ceding Louisiana to us, was ratified. My colleague, John Quincy Adams, voted for its ratification. I beg leave to say, there was not a man then in the Senate who supposed another State might be admitted beyond the original boundary of the Union. In proof of which, I recollect that Mr. Adams argued that the Constitution might be so amended as to admit the introduction of such States; and, a very few days after the ratification of the treaty just mentioned, he laid upon the table of the Senate a proposition so to amend the Constitution.

Mr. JACKSON, of Virginia, said, that although in his seat, he had not heard the memorial read,

because the gentleman's back was towards him. He had therefore had no opportunity of judging of its contents. As he doubted whether it was conformable to rule that papers should receive their customary reading from members of the House, he hoped the memorial would be read by the Clerk.

The SPEAKER decided that the reading by a member was a reading in the view of the rule.

Mr. REEA then moved that the memorial be read a second time.

For the motion, 65; against it, 90.

Mr. ALSTON said he did not rise now for the purpose of entering into any argument on the merits of this remonstrance. If he had understood the gentleman from Massachusetts correctly, he had said that there was not a Senator in 1804 who believed that new States might be admitted beyond the original boundary of the Union.

Mr. PICKERING explained. He did not remember to have heard that a word was said by any member of the Senate in his place intimating that the Constitution, as it then existed, authorized the admission into the Union of any territory beyond its original limits. And that this general opinion prevailed was further proved, by the fact, that in a few days after the treaty passed the Senate, Mr. ADAMS offered an amendment to the Constitution on this head.

Mr. ALSTON said, that if the gentleman was a member of the Senate at the time, he could put him in mind of a debate, which took place there, which would induce him to retract the opinion he had just expressed. When the same subject was under discussion, a member of the Senate from South Carolina, who was in the Convention which framed the Constitution, rose and read that part of the Constitution which authorizes the admission of new States into the Union, and declared that the member who originally moved that article in the Convention, said, at the time he offered it, that he had in his eye the conquest of Canada, not of Louisiana, but what amounts to the same thing in principle, of a territory not then belonging to the United States. This was said with the doors open; and Mr. A. said he had believed, after that, that there was not a member of the Senate, unless it was Mr. ADAMS, who had committed himself, that did not believe that the true construction was, that Congress might erect new States out of territory they might acquire. This fact must be in the recollection of every person then a member of Congress.

Mr. PICKERING said he had been a member at that time, and had not the slightest recollection of such an observation having been made as that just referred to. In confirmation of the statement he had made on this head, he recollected an opinion he had then made up, that though no one then pretended that the Constitution authorized the admission of this territory, yet it would be admitted into the Union in process of time. This opinion satisfied him, that, whatever others might hear, nothing had come to his ears at that time contradicting the impression he had stated.

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Mr. WRIGHT said he was a member of the Senate, and present at the ratification of the Louisiana Treaty; and he believed the honorable gentleman who presented this memorial opposed the ratification of that treaty, as he had done almost every act which appeared to receive the sanction of Administration. His colleague, (Mr. ADAMS,) however, was then taking a review of his conduct, and becoming friendly to the measures of the Administration. He was so anxious for the admission of Louisiana into our Union, that he declared his intention, if necessary, to move an amendment to the Constitution with that view. And I do well recollect, said Mr. W., the dialogue embracing the remark which has been quoted of a Senator from South Carolina.

The SPEAKER here recommended that a stop should be put to this desultory debate; and frequently in the course of the following debate endeavored to limit the members to a discussion of the mere question before them.

Mr. BIGELOW said that this petition contained important matter; that it was decent and respectful in its terms, and entitled to attention. He hoped, therefore, as many had complained that they had not heard it read, that it would be printed for general information. He hoped that a spirit of conciliation would prevail on all sides; that the reasons urged by the Legislature of Massachusetts might be fairly and candidly considered. If those reasons had weight, let the grievances complained of be redressed. If not, let the people of that State be convinced of their error by the answer to be returned to them. Mr. B. moved to print the remonstrance.

Mr. WRIGHT hoped the remonstrance would not be printed. He hoped nobody wanted a copy of it; sure he was that he did not. As to referring it to a committee, he should be happy to see it referred to the Attorney General of Massachusetts, to whom he thought its libellous character entitled it to be sent.

A conversation took place between Messrs. ROBERTS, McKEE, and BIGELOW, on the former practice of the House in printing papers expressive of the sense of the Legislatures of States in relation to the measures of the General Government.

Mr. MONTGOMERY considered it important that the House should meet this paper, and expose its fallacy, which they could not be enabled to do as well from its bare reading as if it were printed and before them. He wished an opportunity for himself of examining it at leisure, and reading it over and over again. He wished at the same time that the House should meet its reasoning and confute it, as he believed they might readily do.

Mr. MACON regretted that any objection had been made to printing this paper. If we have been in error, said he, no man can object to being convinced of it. It is certainly impossible for any man to understand distinctly so long a paper from merely hearing it read. Suppose this representation had been a very able argument to show that our measures are correct, should we

object to its publication? I apprehend not. Massachusetts has done what other States have done before her. She has thought proper to animadvert on our proceedings; and she is entitled to precisely the same respect as every other State, and every other State to the same respect as her. We come here as equals, and I hope as brothers. All truth asks is fair play. If truth be on our side, as I verily believe it is, we are impregnable. The cause of truth will prevail in the end.

Mr. ROBERTSON said he could not for his part consent that so much of this memorial as relates to Louisiana should even be printed. He could not consent to give countenance in any way to a paper which speaks of the introduction of Louisiana into the Union as a violation of the rights of any of the States. However the sentiments of that memorial in relation to other matters differed from his own, he had no objection to their circulation. But with respect to the question to which he had alluded, which ought not to be approached, which must not be acted on, he could consent to no act which should give to that paper, character or consequence in the eyes of the nation. He therefore moved to except, from the motion for printing, such part of the memorial as related to Louisiana.

In addition to the complete and conclusive reply already given to the gentleman from Massachusetts (Mr. PICKERING) he would say, that admitting the statement made by the gentleman to be true, as he was convinced the gentleman believed it to be, yet the United States were *functus officio* as to the introduction of this State into the Union. The question cannot now be moved in this House. As a Constitutional question, it may come before the Judiciary, the tribunal for deciding such questions; but he believed they would hardly undertake to discuss the constitutionality of the introduction of any State into the Union. I have endeavored, said Mr. R., to make no remarks which could be construed into an delicacy towards the State of Massachusetts; but is the language of the memorial delicate? Is it fair to the State of Louisiana, to act in this manner. There may be States in the Union whose religion, whose moral habits, whose permission of slavery, may be disagreeable to the State of Massachusetts; but all these things were known before, and at the time of the formation of our happy Union, and were not considered sufficient obstacles to prevent its formation. Shall they then be considered of sufficient importance to endanger its existence? I hope not.

Mr. WRIGHT asked, as a question of mere order, whether any paper was admissible in this House, charging the Government, in terms, with a violation of the Constitution.

The SPEAKER replied, that was a matter entirely for the decision of the House.

Mr. INGERSOLL said he should vote for printing this memorial entire, notwithstanding what appeared to him to be an excitement of just and honorable feeling in the gentleman from Louisiana against the part he wished to except. He should vote for printing it, because he was of

opinion that it was high time to meet this memorial and all such papers on the floor of this House with reason and argument, instead of fervor and passion, which had generally been applied on similar occasions.

Mr. ROBERTS said he was still unfriendly to the printing of this memorial, if it were only for the perfect novelty of thus questioning the sovereignty of a State. He was of opinion that a question ought to be settled, preliminary to printing this paper, whether the sovereignty of a State ought in any way to be questioned. He hoped it would lie on the table and not be printed.

The question was taken on the remonstrance lying on the table, and carried without a division.

The question recurred on the motion to print the paper, and first on the amendment thereto proposed by Mr. ROBERTSON.

Mr. FISK of Vermont spoke in favor of printing. He considered the remonstrance of an extraordinary character, and, if not intended to effect some extraordinary purpose where it originated, the course now proposed to be taken would give it that effect. If the statements contained in that paper could not be met, it was high time that the party at whom they were levelled was out of power. If it should be refused a hearing, the impression would prevail that it was unanswerable. A spirit of dissatisfaction had reigned in the quarter whence this memorial came, though it had not before been presented to this House. This spirit of opposition would be the evil genius of the country, unless it was quieted by a decisive reply. This paper contained statements, which, with all the deference he was disposed to pay to the Legislature of Massachusetts, were erroneous and unfounded. These statements were before the people. Their good sense would doubtless refute them; but he also wished to see them refuted in this House.

Mr. FISK, of New York, opposed the printing, because no object appeared requiring it, as no Legislative act could grow out of it.

Mr. RHEA spoke in favor of printing, because he had not been able to hear the paper read.

Mr. CALHOUN said if his vote for printing this memorial could be conceived as in any way countenancing the doctrines it contained, he certainly should not vote for it. He certainly never would countenance what might be considered a declaration of war by one State against another. When he gave a vote to publish this paper, he should do it because gentlemen had said they had not an opportunity of hearing it distinctly when it was read. As to the subject of the remonstrance, he was ready to meet it. Congress had declared war from necessity alone, and that they would always be willing and able to vindicate its justice and necessity, he had not the least doubt.

Mr. FARROW said he had not heard the whole of the remonstrance read, but he had heard more than enough of it. He regretted the consumption of time about this affair, and opposed its printing. Every member who wished had an opportunity to read it at the Clerk's table—he would

assure those who were desirous of reading it, they would never find him in their way.

Mr. BRIB said he should vote against printing as unnecessary; because, when the subject should be taken up again, if no other gentleman did, he should move a reference of the memorial to a select committee, with the view of obtaining a detailed report on it. He considered the memorial, though addressed to this House, as an appeal to the people of Massachusetts, and of the United States, from the decision of Congress—he therefore wished a report which should expose the fallacy of its arguments.

Mr. WRIGHT said he had heard so much of the memorial when read as to know that it was indecorous and treasonable in its language, and charged the House with being under French influence, and with having violated the Constitution. He was opposed to the principle of the memorial, in all its moods and tenses. Gentlemen, he believed, were about to vote for printing this paper, who, if they had heard it read, would have spurned it from the table. Mr. W. said he had drawn up a resolution that the memorial was indecorous and ought not to be received. He recollected a memorable case in the Senate, of a memorial from certain Quakers denouncing all slaveholders as in the high road to the devil. The memorial was received and read, and afterwards leave was given to the memorialists to withdraw their memorial. The State of Massachusetts had been equally represented with other States, and its members heard on the subject of the declaration of war—and yet they now came forward and declared it unconstitutional. Surprise at this remonstrance, however, in a great degree ceases, when we reflect that it proceeded from the same body, and I have little doubt from the same pen, too, which the other day solemnly declared it was contrary to their religion to rejoice in the successes of the arms of their country.

Mr. BENSON said the gentleman need not wince so much at the charge of foreign influence. Did he not recollect calling the other day on the friends of Britain in this House to come forth, &c.

Mr. WRIGHT said the gentleman from New York was wrong. He had suppressed a part of the evidence; and whoever gives but half of the evidence in any case is guilty of *suppressio veri*. He had, on the occasion alluded to, quoted Castlereagh's words—"the friends of Great Britain in Congress." It was on record that he had used the expression, and Mr. W. had quoted it. It was for gentlemen on the other side to repel the charge.

Mr. BRIGHAM spoke in favor of treating this petition with all the respect due to its importance and the respectable source from which it came. He was sorry that a disposition was manifested to prevent the remonstrance from coming fairly before the House. This memorial had been addressed to Congress by Massachusetts in the day of her distress. Should not the people of that State have the liberty of stating their complaints? He should be sorry to see gentlemen frown on the petition of an individual, much less of the

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State of Massachusetts, for whom he claimed no other respect or distinction than that to which all the States in the Union were entitled.

Mr. BIGELOW adverted to the illiberality of placing reliance on the declarations of the agents of foreign Governments in relation to our parties at home. He quoted the French correspondence in 1797 or 1798, speaking with certainty of a party at the control of France in this country. Mr. B. said he did not make such a charge; but if the declaration of one foreign Minister was entitled to credit, the declaration of another foreign Minister was equally so.

Mr. MAON said, that whenever the subject of British or French influence was started in this House, the members did just what the two Governments of Great Britain and France, equal in wickedness, wished us to do—widening divisions already sufficiently obvious. Does either of those nations, said he, love a free Government? Has either of them ever protected a free Government anywhere? If those Governments ever have a secret understanding with people among us, they will not let you know with whom; but they will throw out hints, and make public declarations and insinuations, to sow distrust among a people who are free, and whom they therefore envy and hate. Let us not then help them in the work, but bear with one another.

Mr. BAYLIES rose to support the remonstrance. Being a Representative from the State which had transmitted it—a State whose blood had flowed as freely as that of any other in support of our independence; a State which contributed as much to support it as any other—it was certainly incumbent on him, to do his utmost that this memorial should be disposed of in a respectful manner. Why had this memorial, which all appeared to admit to be couched in respectful language, called forth the indignation of gentlemen? The Legislature, availing itself of its Constitutional right, had performed that duty which, as guardians of the people's rights, they owed to their constituents; and he trusted, whatever might be said out of the House, that the doctrine never would be countenanced on this floor, that after a measure has become a law, it is not admissible to oppose it. Mr. B. spoke of the sufferings of the people of Massachusetts as being very great, and the sentiments contained in the memorial very general. He urged a temperate consideration of it, and reply or refutation of it if the people were proved to be in error. The gentleman from Maryland had charged this with being a treasonable paper, and of course the Legislature as being guilty of treason. A proper respect for Massachusetts and himself, Mr. B. said, forbade any other reply to such remarks, than that the honorable gentleman was as ignorant of the principles of free Government as he was of the character of the people of Massachusetts.

The motion to except from printing that part of the memorial which relates to Louisiana, was negatived; and the memorial was ordered to be printed—yeas 108.

PROTEST OF MINORITY.

Mr. RICHARDSON presented an address of the minority of the Legislature of the State of Massachusetts, protesting against the statements and principles contained in the remonstrance above stated, as unseasonable in their origin, reprehensible in language, erroneous in facts, and pernicious in their effects.—Read, and ordered to lie on the table.

The Address is as follows:

Protest of the minority of the Legislature of Massachusetts to the remonstrance of the Legislature thereof against the war and other measures of the General Government.

To the Honorable Senate and House of Representatives of the United States of America in Congress assembled—

The undersigned committee, chosen by the minority of the Senators and Representatives of the Commonwealth of Massachusetts, beg leave to represent, that they have perceived with extreme regret that the Legislature of this State, in their present session, have presented a remonstrance to Congress, denouncing the Administration of the General Government, reproaching the war as improper, impolitic, and unjust, impeaching the motives of the Congress which declared it, excusing and justifying all the aggressions and outrages of Great Britain, and charging a majority of the Representatives of the people with wantonness, ambition, oppression, and cruelty. While the Executive of the United States is steadily pursuing that course of policy which alone can secure a safe, equitable, honorable, and permanent peace, and are actually negotiating to effect it, it is impossible to conceive what good motive could induce the Legislature of this State to vote a remonstrance so treasonable in its origin, reprehensible in its language, erroneous in its facts and principles, and pernicious in its effects.

Who that is American can but feel indignant to hear it stated by the Legislature of a State that we ought to have resisted the French decrees, agreeably to the demand of the British Government? That we have seduced her seamen from their allegiance, and that we have invaded the territory of a peaceable and unfending neighbor? Where is the man, who values his reputation, who would not indignantly frown at the insinuation, that war was waged from motives of ambition or lust of conquest? that we are leagued with France to oppress the European nations, and that our Government have established a chain of military posts "to prostrate the civil to the military authority?" And what man, not altogether exclusively British, can, without the deepest mortification, read a remonstrance which, in time of war and pending negotiation, should take the enemy's ground, support their claims, and justify their aggressions? We assure the Congress and people of the United States that we utterly protest against the statements and principles contained in that humiliating remonstrance. It appears to us too much like the attempt of a disappointed and malignant faction, who, to obtain power, would trample on the rights and liberties of their country. We do not, however, apprehend that any faction in this country have either the power or the nerve to effect a purpose of this sort. We trust and sincerely believe that the people would resist, and effectually suppress, every attempt to sever or weaken our bond of Union. We are aware that it is in times of calamity and war that

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ambitious and designing men will be tempted to stir up the people to opposition and rebellion. But we are assured that a large majority of the people of this State would, at the hazard of their lives and fortunes, resist all opposition to the laws and government of their country. We believe the war to be just and necessary; that the Government have invariably maintained strict justice and impartiality towards the belligerents of Europe; that they have submitted to an accumulation of wrongs which no other nation would have endured; they have negotiated until negotiation was vain; that it is their intention, as it is their duty, to protect the rights of commerce and of sailors, "peaceably if they can, forcibly if they must;" that since the pretended repeal of the Orders in Council, every pacific advance has been made, both by the Executive and by Congress, which was consistent with the rights and honor of the nation; and that we are willing to endure all the evils and privations of this war, and to expend our property and our blood in its prosecution. We hope the Legislature of Massachusetts have better evidence of their consistency, prudence, patriotism, and love of peace, than is contained in their extraordinary remonstrance.

We wish for peace, but we fear that this remonstrance, if it has any effect, will tend to prevent rather than to accomplish it. We hope that the very proper course adopted by the Administration to effect a peace, will meet with the success to which it is entitled. But should Great Britain, regardless of the numerous wrongs she has inflicted on us, and calculating on her power, or encouraged by her friends in America, persist in her hostile pretensions, we have no doubt but the people of this State will cordially, actively, and zealously come forward and lend their aid in the prosecution of the war—until our rights are established on a permanent basis.

Signed, on behalf of the minority, by
JOHN HOLMES,
WM. MOODY,
SOLOMON AIKEN,
JOSHUA PRENTISS, JR.,
JOHN HART,
AMBROSE HALL.

Boston, June 16, 1813.

THE WAYS AND MEANS.

On motion of Mr. Fisk of New York, the House again resolved itself into a Committee of the Whole on the resolution, yesterday submitted by him, for imposing a duty on spirits.

The resolution having been again read—

MR. INGERSOLL read the following resolutions, which he proposed to offer as amendatory of and additional to that of Mr. Fisk:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of taxing all successions to the estates of persons dying after the — day of — next, within the United States, whenever such decedent shall leave a clear estate, real, personal, or mixed, worth five hundred dollars; and that the said committee have leave to report by bill or otherwise.

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of taxing all ascertainable income from all estates, real, personal, and mixed, whenever the yearly amount of income shall exceed five hundred dollars; and that the said committee have leave to report by bill or otherwise.

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of taxing all law suits, offices, and pensions; and that the said committee have leave to report by bill or otherwise.

MR. INGERSOLL.—Mr. Chairman, as long as the business of this session proceeded without interruption, I held myself bound, by a sense of imperious public duty, to refrain from disturbing it with any observations of mine: and on all the various subjects of debate have never taken the floor, except for a few minutes at an early day after our meeting, when I deemed it necessary to explain my vote to those against whom I gave it. But the harmony and regularity of our progress being now unfortunately broken up by the resolution of the honorable gentleman from New York, (Mr. Fisk,) and we in danger, I am afraid, of being cast adrift upon a sea of troubles, the same sense of public propriety which enjoined silence on me heretofore, requires that I should now solicit your patience, and that of the Committee, which I am apprehensive I shall severely exercise, during the discussion of the elaborate and uninteresting matters involved in the subject of taxation. Tedious and dull as they are intrinsically, they will prove peculiarly so in my treatment, because, besides having no ability to impart to them an extraordinary interest, I shall endeavor to restrict myself to the subject to be kept in view. Consecrated as I consider this special session to this special deliberation, and anxious to afford, as far as I am able, without regard to minor considerations, a good system of permanent and productive internal revenue, I beg leave to disclaim all mere party and State professions, to divest myself of their livery, and to approach the inquiry with no other inclination than that for the fairest and most eligible system. I will not, therefore, inflame the debate with the causes of the war which has rendered taxes indispensable. It is enough to say that war, without taxes, is a body without a soul. The physical material you may have without finance; but that moral momentum must be wanting, which gives to the physical material its movement and alacrity. The armor of war is, to be sure, fabricated of iron, but it never will be lasting unless burnished with gold; nor can the attitude of war be what it ought to be—an attitude of defiance and annoyance to the enemy, of protection and safeguard to us—unless it be erected on a well-founded Treasury, capable of perpetual reproductiveness and never-failing replenishment.

The Secretary of the Treasury has recommended taxes to our enactment, as "necessary evils." I do not mean my honorable friend and most worthy townsman, the acting Secretary of the Treasury, but that distinguished Secretary of the Treasury who is now, I suppose, about half seas over on his way to the arctic circle, in pursuit of peace; intoxicated, I am afraid, with vain hopes of at least a very doubtful and dangerous success—a success reposed on the remote and uncertain mediation of a foreign empire, rather than the native energies of our own. Most heartily, for my part, do I wish the Russian mission a

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speedy accomplishment of all its objects! But, though I have avoided inflaming this debate with a recapitulation of the causes of this just war, permit me to avail myself of this occasion to throw in very briefly my ideas of its legitimate progress and proper termination. If I differ in opinion with any of my friends, as it is an honest difference, there can be no impropriety in my exhibiting the grounds of the sentiments I entertain. I am one of the last individuals in this House who would wantonly utter a disrespectful or ungracious sentiment concerning any of the measures of that Administration, to which I am attached, or toward that excellent person in particular, who, so much to the interest and satisfaction of his country, fills the Executive Magistracy of these United States; whose strong and pervading hold on the confidence and affections of his fellow-citizens have been signally proved within these last few days, by the almost universal expression of their fervent wishes for his recovery from the illness with which he has been visited, and his restoration to the full enjoyment of those eminent faculties which have always been so exemplarily exerted in the purest public service. But, sir, I espoused this just and inevitable war, not because it was a measure of the present Administration—and I am wedded to its fortunes—not merely because the present Administration is intrusted with its prosecution. My affiance is founded on higher and deeper, I will add, nobler principles—principles which will outlive this and every other Administration. I support, and will continue to support, this war, so long as I shall remain in the conscientious belief, together with the majority of the American people, that the hostilities we ought to be waging are indispensable to the welfare, the character, the union, the existence of the nation.

Sir, having said thus much, let me add, with a full foresight of the responsibility I incur—having well considered what I am about to say—and prompted in its public declaration by a powerful sense of public duty, I proceed to add, that I am afraid this war has been mortified with too pacific an aspect; I fear its vigor has been cramped for the purpose of pampering a premature peace. I am as warm a friend to peace as any man, and would subscribe to it on as moderate terms; but after war has been declared, in my humble apprehension, peace-seeking is not the avenue to peace, is not pacific policy. If this war had been waged with a boldness, such as has marked our incessant endeavors to put a stop to it, which have followed each other ever since war was declared, in an increasing ratio of iteration and intensity, I have no doubt that the enemy, long before now, would have been panting for peace, pent up within the walls of Quebec, if indeed even the last resort of his annoyance, the *ultima thule* of his foothold on the North American continent had not been in your safekeeping, a pledge, a mortgage, for a permanent pacification. Instead of which, what is the fact? Turn your eyes, sir, on that quarter, where all the eyes of this country are rivetted in aching expectation; look to

your lakes, and see a sufficient, well disciplined and competent force—an army which triumphs in every conflict, in spite of the errors of its commanders—see that army frustrate and idle on the strand, because you have not yet, after a twelve month's war like a peace, the complete command of those inland waters, which are as vitally essential to the well-being, the tranquillity, the security, the integrity of this Union, as the command of this District of Columbia; in my view of both subjects infinitely more so. And why is this? Because, at least I fear it is because, your sinews have been distended towards Russia, instead of Canada.

As soon as war was declared, I would have almost forgotten that we had such an office as the Department of State, much as I revere the irreproachable gentleman in that Department, and would have limited all my views to the belligerent departments, now so well replenished with talents, experience, and competency. At any rate I would have looked to them alone as long as a remorseless enemy was thundering at the gate with bombardment and conflagration in his train. If I am not mistaken in my historical recollections, in the year 1738, when the English Cabinet sent Mr. Keene as their Minister to Madrid, to treat of the embarrassments at that time superinduced between Spain and England, by the resistance, the pertinacious and invincible resistance, opposed by the latter to a claim of search exercised by the Spanish Guarda Costa in the American seas—precisely the same sort of search which England now as pertinaciously and triumphantly asserts—if I am not entirely mistaken, the Spanish Government repelled all discussion, while Admiral Haddock's fleet was hovering in the Mediterranean on the coast of Spain, and insisted on the withdrawal of that fleet as a preliminary *sine qua non* to any overture for peace. If I am not equally mistaken, at a much later period, so recently as 1807, when Sir John Duckworth forced the Dardanelles, and ranged his squadron before Constantinople, with springs on their cables and matches lighted, threatening the favorite residence of the Musselmén with the devastation of their mosques and harems; the Turk, sir, the despised, the outlawed Turk, who never paid a tax but by exaction, peremptorily refused to treat with his invaders, on any terms, until their batteries should no longer overhang the Turkish shore; and Admiral Duckworth with, if I am correct in my remembrance, Mr. Arbuthnot, an able Ambassador on board, as much so probably as Sir John Warren, found it necessary to withdraw without the Dardanelles, in order to open his negotiation. These, sir, indeed, are Moorish precedents, unbecoming perhaps American imitation. But I must confess, when I perceive how this conflict lingers in America, however rapidly it may be hastening, for aught I know of, to a profitable and goodly end in Russia, I do not think it due to that large portion of the community, whose opinions I am sure I speak on this occasion, to refrain from a decided but decorous expression of regret, that the Secretary of the Treas-

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ury should have gone—while yet a whole province, I mean the Territory of Michigan, is under the enemy's subjugation—that he should have gone, scorched with the fires of Havre and of Georgetown, coolly to sue for peace, under the influence of the North Pole.

Accede to such a mediation as that of Russia I always would, without a moment's hesitation, and by all fair means cherish the Russian alliance; for undoubtedly Russia is the only European Power of the first grade that has always treated America with respect and amity; though, to be sure, not to give Russia more credit than she is entitled to, we never have come in collision with her, and never can, unless we should disagree about the lands in Kamschatka. But move one single furlong from the American soil in quest of peace I never would, under any foreign auspices whatever. If we are to be victorious, this is the meridian for victory; if to be vanquished, this is the spot to fall upon. There is no wisdom, no policy, in courting peace; and I do anxiously trust that no hope of peace to be obtained in another hemisphere will be suffered to procrastinate the war in this.

After having said thus much on this subject, actuated by a sense of public duty, it is due to individual justice to add, it is due to my own sense of his superior merits, that I have as implicit reliance in the character of the absent Secretary of the Treasury, as I have in his great abilities; and that while I deprecate the policy of mediations and missions, and fear their result, I sincerely hope that it may be all that its best friends can desire.

To return from this digression, which, though not exactly appropriate to the subject, I nevertheless deemed it a duty to allow myself. The Secretary of the Treasury has recommended taxes to Congress as *necessary evils*. The Secretary is a great man; and it may be presumptuous in me to controvert any principle he asserts. But I must confess that I do not consider taxes as evils, however necessary they may be. In my inconsiderable opinion, temporary wars are not evils; nor permanent taxes; and however calamitous and deplorable long and ambitious wars undoubtedly are, I think, for my part, that the present will prove to be a blessed war, should it have no other effect than to give the United States a good system of permanent internal revenue. All the treasure and all the blood will be cheaply and most beneficially bestowed, if, besides the attainment of other objects, the present conflict with Great Britain should cause the arrangement of a plan of just and productive taxation.

In debate the other day on the resolutions of the honorable gentleman from New Hampshire, (Mr. WEBSTER,) an honorable gentleman opposite to me, from New York, (Mr. SHEPHERD,) in an ecstasy of fermented spirit—I mean the spirit of the mind—was betrayed into certain animadversions on individuals, whom I think it proper to exhibit to that mistaken gentleman in their true characters. This explanation is due as well

to the persons so roundly called in question, as to the honorable gentleman from New York himself, who hardly could have meant all the evil he uttered in his political delirium, and who, as he appears to have the precepts of the Gospel familiar to his lips, no doubt has its principles engraven on his heart, and will be happy himself that I should prove to him how much he wronged the persons he denounced. That gentleman, sir, stigmatized the contributors to the late loans with some unhandsome epithets which I shall not repeat, calling them, in effect, delinquent members of his own party. That honorable gentleman has the honor to represent on this floor some portion of the great State of New York—unquestionably the first State in the Union—an acknowledgment I must needs make, though I have the honor to represent in part a State which claims at least a secondary rank. What particular district of New York he represents, I am not informed of; but he will permit me to assure him, that the principal contributor to the late loan is a gentleman who, within the last four years, has invested upwards of five hundred thousand dollars in the soil of New York, on the banks of the St. Lawrence, and who, therefore, feels, probably, as deep an interest in this country as, perhaps, the honorable gentleman does himself. What the politics of the gentleman alluded to are, I declare I do not know, though I enjoy the pleasure of his acquaintance; and I much doubt whether he has thought it necessary to adopt any; but, together with his great opulence, he has certainly always been distinguished for the goodness of his heart, the integrity and liberality of his nature, the hospitality of his house, and his peculiar talent of perceiving when, how, and where, to appropriate his large funds to the best advantage. Another of the principal contributors to the loan is a fellow-townsmen of mine, who, by thirty years of indefatigable and prosperous attention to mercantile business, is generally supposed to have amassed a solid fortune of at least two millions of dollars; and who, upon the dissolution of the charter of the late Bank of the United States, was affluent enough to purchase the edifice belonging to that institution, together, I believe, with most of the specie in their vaults, and to continue on the foundation, distributing the discounts and pecuniary benefits of such an extensive establishment to the commercial community; a citizen who, some years ago, when Philadelphia was afflicted by a pestilence, and all those inhabitants fled away from the scene of desolation who had the means of escape; who staid behind not to watch his treasure, not to count his gold, but “to plunge into the infection of hospitals, to survey the mansions of sorrow and pain, to remember the forgotten, to attend to the neglected, to visit the forsaken,” and I will add, as I believe I may with strict propriety, to administer even the rites of sepulture to those who had not a solitary friend left with them for the performance of such sad ceremonies. This gentleman, I can assure the honorable member

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from New York, is no delinquent partisan of his; but for thirty years has always been a firm, though unmeddling, a resolute, and consistent Republican. A third of the chief contributors to the late loan is, as I have generally understood, one of the greatest capitalists of the city of New York; as little deserving of the aspersions of the honorable gentleman from that State, since he, too, unless I am much mistaken, belongs to that class of Americans who do not fall in with the political exclusiveness of that honorable gentleman, who has so boldly laid claim—I am endeavoring to show with what justice—to all the capital, as well as all the virtue, and of course all the talents, of the community. A fourth of these upbraided delinquents is an inhabitant of Salem or Boston, though I am not certain whether he had an opportunity of coming in for a share of the loan of 1813, but who, at all events, I believe, subscribed most liberally to that of 1812; and who, far from meriting the distorted and wholly unfounded crimination of the honorable gentleman from New York, is like the others I have exculpated—a citizen, at the same time, of immense wealth, and sterling republicanism. There was, I think, a fifth large subscriber, a rich and respectable merchant of Baltimore, who is, I am informed, of the political domination of those with whom the honorable gentleman from New York acts; but who, as I am not disposed to follow the illiberal example of that honorable gentleman, it gives me pleasure to add, I have always considered, instead of a delinquent, rather a high-toned partisan; but, nevertheless, a man amiable in his manners and character, and entirely exempt from any of the faults imputed by the sweeping invective of the honorable gentleman from New York.

That honorable gentleman could not have been aware of the mischief he imprecated on his own head, in common with the heads of all his other countrymen, without discrimination, when he suffered himself to be the assailant of public credit. Sir, as inestimable as I consider the American Union to American prosperity, I have no hesitation in declaring that I hold public credit to be of infinitely greater importance. It is the rock of our national salvation. It is that to which foreign Powers look as the base of our endurance. Our Union is undoubtedly essential to ourselves; but other nations care very little for our Union, and would destroy it if they could, as you, Mr. Chairman, very justly observed on this floor this morning. But as long as our public credit continues unimpaired, all nations must continue to respect us; as soon as it sinks, to despise us. Does the honorable gentleman from New York imagine—does any one suppose—that every species of property would not be depreciated with the fall of public credit? Do they think, can they think, that public faith may decline, and yet private property maintain its present estimation? If so, they egregiously deceive themselves. Lands, houses, personal estate, money, even the circulating medium of the country,

would all lose their value with the destruction or diminution of the public credit and faith; for they would cease to represent and to enable the purchase of those comforts to which money and property afford titles for the enjoyment.

Whether it would be possible, and how long, to carry on the belligerent operations of Government by loans alone, without taxes pledged for their regular and faithful redemption; and whether loans, as a system, be a good or a bad, I am not now about to inquire, though I am inclined to believe, from the abundance of money in the country, and the facility with which it has been procured, provided a high interest is offered, that perhaps for some time it would not be impracticable to obtain such loans. But then it must be in a ratio of interest always increasing, in a ratio of amount obtained always decreasing; and when the economy, independently of the dignity of the Commonwealth, is taken into view, there can be no question of the necessity and advantage of taxation. You otherwise fall into the hands of brokers. You have not incurred that misfortune yet. But as your first interest was six per cent., your second seven and a half, or some fractional sum between seven and eight, I do not know exactly what, nor is it material—so your next must be ten, after that twenty, or some such exorbitant remuneration, and so on until the interest almost equals the principal. That a system of loans, therefore, is a bad system, without a corresponding arrangement of taxes, is not to be disputed.

The science of political economy is of very modern date. It is even younger, and much less practically understood, than that of chemistry. When it is recollected that the most authoritative treatise we have had on this subject—the work of Adam Smith—did not appear longer ago than the first year of the American Revolution, and that until that time the science was very little known, even in Europe, it should not be matter of surprise that so much less is its knowledge disseminated in this country; where, though the materials for taxation are very abundant, such a variety of difficulties exists to oppose and prevent its collection. Since Smith wrote, a host of writers—Stewart, my Lord Lauderdale, Say, and Ganill, with many more, have appeared for our instruction. But after a laborious consultation of all the theories I could find, I am constrained to acknowledge that these doctors disagree so much among themselves, as to defy the adoption of any one system from all their commentaries. They are like the members of this House. Each one has his own favorite fund of finance, and each one combats all the rest with ability. I am perfectly satisfied—and that is perhaps the only satisfactory result I have derived from the examination—that as writers do not, any two of them, coincide in the principles, it will be found impossible for us to agree in the details. We shall have as many schemes as members. If each one insists on his own project, at least one hundred and sixty will be moved; and instead of concurring with the com-

mittee in any general and distributed establishment, we shall, if each man be pertinacious to his own, adhere to so many incongruous and impracticable suggestions, as completely to defeat the object of the session. I do not myself approve the system reported by the Committee of Ways and Means. I think it a very bad one. Nothing but an emergency should induce me to support it. But abundant reflection has served to convince me that we must accede to such a plan as proceeds from the concentrated good sense and feelings of the House, or abandon all idea of any one at all.

While the treatises on political economy, to which I have referred, were coming to light in Europe, taxes were successively enacted, as necessity dictated their imposition, without any regard to the principles laid down for the government of financiers and legislators. The poor were taxed by the rich, who seemed to account it tax enough on themselves to be at the trouble to devise taxes for their inferiors. Systems were gradually built up in a perverse progress, beginning where they ought to end, and ending where they ought to have begun. Capital was taxed first, and income reserved to the last; although it must be obvious to every understanding, that income should be taxed first, and, if ever touched at any rate, capital reserved for the last—for the same reason that it is better economy to live on the interest of our money, rather than touch upon the principal. The ancient hearth tax, house tax, window tax, the excises, all preceded the heavier but juster burdens which latter years have introduced. Indeed it is not a century since, hoarding specie was the chief mean of the wealth of nations. The father of the great Frederick of Prussia, Frederick the Corporal, as he was called, by constantly hoarding up money, was enabled to leave his son eighty millions, with eighty thousand soldiers, which, with a disposition to be busy, prompted the great Frederick, as he has himself declared, to attempt those conquests which he annexed to his dominions; and which have since been wrested from his successors, who, without either the pecuniary or intellectual resources of the founder of the Prussian Kingdom, have been finally reduced to insignificance; for whoever succeeds in the present conflict no doubt the King of Prussia will not be Vicar of Bray. The success of either party will be destruction to him. The Turks, if I am not misinformed of their financial regulations, by a fundamental law of the Empire, oblige every Sultan to lay up a certain amount of the exactions he levies on his people, to meet the contingencies that may occur.

All the novelty and inherent difficulties of finance are aggravated, when we come to apply the principles in America, where the extent and diversity of our various States, their sovereignty, their dissimilar resources for revenue, and the very circumspection indeed of the language of the Federal Constitution in this particular, are so many fresh difficulties to be superadded to such as before existed. The subject teems with perplexities, turn as you will. The resolutions I

have submitted appear to me to contain the best plan that I am aware of. But so sensible am I of the inexpediency of infesting the House with different propositions, to the prejudice of the system reported by the committee—which can be amended in process of time whenever it proves disadvantageous—that I should not have moved my resolutions, but for the purpose of throwing them in with those of the honorable gentleman from New York. I have no doubt that, after floundering about for some time in our projects, we shall at last all feel the necessity of subscribing to the system reported by the Committee of Ways and Means.

Having thus, at more length than I fear the Committee can excuse, treated the preliminary matters I thought I might be allowed to incorporate with this tiresome inquiry, I now proceed to exhibit a view, first of what has been done in this country in this department of Government; and secondly, of what is to be done or ought to be.

A retrospect of the annals of the Revolution, as far as respects taxes, will afford very little to interest or instruct us. There was at that period no metallic fund, or very little; no system either monetary or fiscal—paper was the sole resource, and that very soon fell before the ravages of depreciation. At the end of the year 1776—a year of reverses and despondency, as you know much better than I do, Mr. Chairman, for you have experience of events which I am obliged to learn from books or tradition—the depreciation was already at forty per cent. A captain's pay would not keep him in shoes, nor a major general's support an express rider. The first instalment of the first emission was procrastinated till 1779. And the taxes paid into the Treasury during fifteen months from the 1st November, 1784, to the 1st January, 1786, amounted to no more than \$482,997. It is said to be a position warranted by the history of mankind, that, in the usual progress of things, the necessities of a nation in every stage of its existence will be found at least equal to its resources; to which position the financial history of our Revolution authorizes our adding another, that a generous people inhabiting a fine country will always find means equal to the pecuniary exigencies they may have to encounter. During the Revolution, in a much greater degree than now, there was always some apparently tremendous wave ahead which looked at a distance as if it must infallibly overwhelm the vessel—but as the bark proceeded the danger diminished, and it floated at last over every wave, till arrived safe into the haven of peace and prosperity.

The second era I shall notice elapsed from 1790 to 1802. Upon the adoption of the present Constitution it was an early object to lay and build up a system of taxation. The people were just then beginning to recover from the effects of a long war, just beginning to gather the first fruits of tranquillity and good government, when, poor in purse, though exuberant enough in spirit, the interior in particular, which now abounds with precious metals, being almost destitute of a metallic medium, an odious and unpopular excise was

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intruded into their hamlets. At the session of 1790-91, the Secretary of the Treasury laid before Congress what the present Chief Justice in the fifth volume of his *Life of General Washington* calls "an able and well digested argument," in the shape of a report, recommending, as the first step in the system, as the inauguration of taxes, a duty on domestic distilled spirits, to be collected in the mode now proposed in the resolution. I cannot help considering it a hasty and ill-advised resolution of the honorable gentleman from New York.

I have always been taught to believe—I understood so this very morning from a gentleman whose authority there is every reason to respect—that the Constitution contemplated a countervailing arrangement of taxes; not the imposition of all on any one article of production or quarter of the country. When, therefore, after what we know to be the Constitutional contemplation, and after all the dear-bought experience we have had on this subject, an honorable gentleman moves us to lay the whole burden on one article, which will bear heavily on one quarter, and endeavors to save his own province of the country from its due share, I cannot conceal my surprise or regret that so unfair and partial a scheme should be attempted. Sir, I understood the honorable gentleman from New York to say distinctly that the land tax would be severely felt in his quarter, and the whiskey tax very little, for which reason he is desirous of raising two millions from the latter and substituting it for the former. After many days painful and successful legislation, when we have at length arrived at something like a final understanding on the land tax assessment bill, an honorable gentleman on this side of the House throws us all into confusion by an effort to undo the work we have accomplished—for what? to overburden the agricultural districts with the payment of one-third of the sum total to be raised in one item, without any measures taken to alleviate their share of the remaining items of taxation. Such a course, I must say, I was not prepared to expect from the honorable gentleman who moved the resolution of yesterday. Sir, there is no objection, that I know of, to a whiskey tax. But it will be objected, and seriously too, that all the tax should not be laid on whiskey, a beverage of the poorer people, and of the agricultural States and districts; more especially when it is avowed that this unfair and unjust burden is to be substituted for a land tax, which will fall equally on all real property, and all sections of the country.

The motives to the original introduction of this unfortunate commencement of a system of internal revenue, were, I presume, three, in the mind of the first Secretary of the Treasury; in my humble apprehension all equally erroneous.

1. The probable productiveness of such a tax. Adam Smith says these excises produced in England, for the year ending the 5th July, 1775, the sum of £3,341,837. And I perceive by the budget of the English finances for 1812—a very interesting compilation, for which I am indebted to a

gentleman whom I do not now see in his place, but who was formerly chairman of the Committee of Ways and Means—that all the English excises (I do not know what is included in all of them) produced during that year the prodigious sum of about twenty-seven millions sterling; to wit: ordinary, £20,899,406, and extraordinary £6,593,132.

2. The supposed morality of such a tax.

3. It was computed, together with the duties on imported spirits, to yield \$877,000; just enough to pay the interest on the funded debt, which you know, Mr. Chairman, was a Treasury favorite of that day.

One historical consideration will answer all these motives to such an excise. It is true that subsequently, though I am not sure whether in precisely the same form, excises were introduced into England and have been found immensely lucrative. But so lately as 1734, in the time of Sir Robert Walpole, when that Minister was in the full culmination of place and power, an attempt to legislate excises on spirits and gin was completely defeated by the clamors and resistance of the people out of doors, and the arguments of Pulteney, Windham, Shippen, and the rest of the opposition in Parliament.

Sir Joseph Jekyll, who, I think, was master of the rolls, and moved the gin act, indulged himself on that occasion in many reflections on the morality of such taxes. But his moral results were completely reasoned down by those who took the opposite side. I do not know, for my part, what morality and taxation have to do together. Legislation, to be sure, should always look to the morals of the community; and taxation is a branch of legislation. But I have no idea that we either should or can administer to their morality under the disguise of taxes. When we moralize, let us moralize—when we tax, let us tax. I cannot indeed subscribe altogether to Mr. Burke's eloquent defence of gin, who in his "Thoughts on Scarcity" expresses himself to this effect: "As to what is said, in a physical and moral view, against the home-consumption of spirits, experience has long since taught me very little, to respect the declamations on that subject—whether the thunder of the laws or the thunder of eloquence 'is hurled on gin,' always I am thunder proof. The alembic, in my mind, has furnished the world a far greater benefit and blessing, than if the *opus maximum* had been really found by chemistry, and, like Midas, we could turn every thing into gold."

But I have no hesitation in saying, that no excise on the drink of the laboring classes will be fair, unless by the same sort of burdens you raise the price of Madeira and Claret, and Burgundy and Port, to at least one thousand dollars a pipe, and affect yourselves—it would not trouble me much, though it might many gentlemen—with as great an advancement on the price of their liquors, together with as odious a domiciliary interruption and superintendence, as an excise on whiskey will prove to other people. I do not say this—I need not, with any view to popularity in Pennsylvania. I have spoken my sentiments

freely on the one side; and I may be believed, I trust, when I profess them with the same freedom on the other. Everybody must know that there is not a district in America, which would feel such a tax less than mine. Pennsylvania has no objection to being taxed, in her full proportion. I despise a popularity to be gained by advocating an exemption from taxes. But we are not to be imposed upon neither. Give us the duty upon the capacity, as the committee have reported, instead of the gallon as proposed by this resolution, and there will be no complaint. The unhappy consequences of the excise system have been sufficiently exemplified. Gentlemen see what it did in England, when first attempted there. They recollect its operation in this country in 1794 and 1798. They have witnessed the more recent operation very lately of a similar principle in the effects of the Enforcing Act, as it was called, to the Embargo—when a violent and invincible resistance to the intrusion of revenue officers into private habitations—every man's house being his castle, and not to be violated—coerced the repeal of those commercial restrictions on ourselves, which led so soon afterwards to the alternative of war with our enemies. The introduction of an excise on domestic spirits, as the commencement of a system of taxation, was certainly unlucky, if not unwise. Such a tax ought to be blended with others. The whole plan should be a countervailing one, as I have already observed. No class, no section, no article must feel itself saddled with the whole; and in addition to that difficulty, drawn from the nature of the dominions of the United States, an excise, at all events, should be avoided, if the product desired can be got at through any other medium.

What is an excise? The hottest essay of the day, at the time of the beginning of the American Revolution, was written by Dr. Johnson, to prove "Taxation no Tyranny." Yet even Dr. Johnson defines an excise "a hateful tax levied on commodities, and adjudged, not by the common judges of property, but by wretches hired by those to whom the excise is paid." The Doctor had in mind, perhaps, when he composed this definition in all the vehemence of his rhetoric—he had in mind, perhaps, the excise on tea, which is said to have been his favorite drink. But the sentiment is not on that account the less applicable to all excises; and among the rest that now endeavored to be interpolated instead of a fair collection of a duty on distilled liquors, by the capacity of the still, rather than by the gallon, which renders unnecessary an army of excisemen and superintendents.

Upon whom must this excise fall? Inquire of Adam Smith. He certainly was no Democrat; and had no view, in 1776, when he published his celebrated work, to popularity in Pennsylvania. In his third volume, at the 302d page, he thus expresses himself: "The excise upon the materials and manufacture of home-made, fermented, and spirituous liquors, is accordingly, of all the different taxes upon expenses, by far the most productive; and this branch of the excise falls very

much, perhaps principally, upon the expense of the common people."

Was, then, this excise right formerly, and would it be justifiable now? Let us look into the *Federalist* for an answer. In the 36th number of that excellent disquisition, it is avowed to be "a fixed point of policy to go as far as may be practicable in making the luxury of the rich tributary to the public Treasury, in order to diminish the necessity of those impositions which might create dissatisfaction in the poorer and more numerous classes of society." Thus, fortified with the authority, the express authority, of the great man who was placed first at the head of the Treasury Department of this country, I need not, I am confident, spend more time upon a point which he has so clearly and ably exhibited.

Misled by delusive calculations of the great productiveness of such a tax, the Government was induced to begin with it alone. In the shape of an excise, it is objectionable absolutely. But in any shape it should be accompanied, whenever laid, with other taxes, to equalize the pressure on all classes, and throughout every detachment of the community. The southern and western, in other words, the agricultural parts of the United States, opposed its enactment; and proposed, as substitutes for it, taxes on salaries, pensions, lawyers, newspapers, and a direct land tax; for, it must always be remembered, that the minority, at the time I refer to, now the majority, uniformly proposed and maintained the direct land tax as the most simple, the most republican, and in all respects the most efficacious and unobjectionable. The excise on whiskey, nevertheless, passed the House of Representatives by a majority of thirty-five to twenty-one.

Hopes were indulged that it would prove less intolerable in its operation than had been predicted; but in his speech, at the opening of the second Congress, General Washington acknowledges the existence of some discontents. In May, 1792, this tax was so modified as to remove or soften some of its harshest features. But unhappily the evil had then taken root, and the people unlawfully undertook its deracination. In the meanwhile all taxes were becoming unpopular, because of the odious effects of that one, which was first attempted to be levied alone. Of the insurrections in Pennsylvania I do not know that it is necessary I should take any other notice, than to express my regret, as I do most heartily, and with equal sincerity, at those distressing commotions and their impolitic causes.

On the 5th June, 1794, the President signed the act for taxing licenses to retail wine and liquor sellers; which was too much like a corollary to be palatable then, of the pestilence of the whiskey tax. And on the same day another excise, to wit, on snuff, tobacco, and refined sugar. On the 28th of May, 1796, the President's signature was affixed to a carriage tax; repealing one of a similar complexion passed at the first session of the fourth Congress. These are all the taxes enacted during General Washington's Administration, con-

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sisting of—1. The excise on Whiskey; 2. The License tax; 3. The excise on Snuff, Tobacco, and Refined Sugar; 4. The Carriage tax. A direct land tax and a stamp tax had both been proposed, but were negatived; the former by a large majority. The remaining taxes passed during the Administration of Mr. Adams. On the 6th July, 1797, he signed the Stamp Act. On the 9th July, 1798, at the first session of the fifth Congress, the law was passed for valuing lands and dwelling-houses, and enumerating slaves; and a few days after, on the 14th of July, 1798, the law for collecting a direct land tax of two millions. On the 28th of February, 1799, an act passed making alterations in the Stamp Act. On the 23d of April, 1800, an act for the establishment of a general stamp office. On the 24th of April, 1800, a modification or abrogation of the excise on snuff. On the 25th of February, 1801, an act rendering perpetual the acts for taxing spirituous liquors, tobacco, and refined sugar, licenses, auctions, and carriages. Soon after this period, Mr. Adams's Administration was superseded by Mr. Jefferson's. On the 6th of March, 1802, the direct land tax was modified; and on the 6th of April, 1802, all the internal duties were repealed. The Committee of Ways and Means at that time, who reported for this repeal, estimating the net annual income, clear of losses and expenses, at but six hundred thousand dollars.

This tedious process has carried me through the era of our former taxation, and brought me now to inquire what taxes are to be at present adopted. The Committee of Ways and Means have recommended, as the principal resource, a direct land tax. After we had been engaged for a week and more on the laborious details of this tax, and had arrived, as I flattered myself, very near their termination, most unexpectedly an objection to the whole is stated by the honorable gentleman from New York, who wishes, first, to substitute a whiskey tax to the amount of two millions in the place of the land tax, which he proposes to relinquish altogether; and, secondly, his plan is to convert the whiskey tax from a collection on the capacity, as the committee have reported it, to an excise on the gallon. As to the substitution of the one tax for the other, I am averse to such a change for a variety of reasons. All direct taxes are preferable to indirect taxes, in a republican country; and accordingly, in all the debates on this subject, in 1791, '2, '3, '4, '5, '6, '7, '8, and '9, the republican and agricultural representation in Congress expressed their predilection for such a tax. I do not pretend to be intimate with its details, nor competent to decide on the expediency of one establishment in preference to another. I am not yet perfectly aware of the merits of the controversy involved in the modification introduced by the honorable gentleman from Kentucky, (Mr. MONTGOMERY,) and voted against that modification, not because I clearly saw that the plan proposed by the committee was preferable in its assessments—for on that point I have not formed a judgment—but because I am convinced that the optional subsequent arrange-

ment should be left with the respective States, as proposed by the committee, and controverted by the honorable gentleman from Kentucky. On that point I have a decided opinion. The Federalist, in the 36th and 45th numbers, explicitly asserts the position now taken by the committee; which convinces me that such a method of taxation was contemplated at the moment of the adoption of the Constitution; and I am equally clear of its expediency.

A land tax is the principal item of taxation, I believe, in all countries where the agricultural interest predominates. Peuchet, a late French statist, gives the income of France, for 1804, at 634,000,000 of francs; which is about 34,200,000 pounds sterling. Of this sum no less than 206,908,000 proceed from the direct land tax. In England the land tax and assessed taxes afford but 7,399,000 out of an income of 71,000,000, exclusively of loans for the year 1812. So that the land tax in France amounts to nearly one-third of the whole national income, and to but a tenth in England.

The other taxes reported by the committee are mostly the same with those formerly in operation; but altered in their principles of distribution and collection, according to the amendments which experience and time have dictated.

In the tax proposed on pleasure carriages, it appears to me—and at a proper stage of the proceeding I intend to submit an amendment to that effect—that by the substitution of pleasure houses for pleasure carriages, we shall equalize the taxation and increase the product. The former carriage tax fell in very unequal burdens on Massachusetts and Virginia; and I should suppose that such a tax would now prove more unequal than it even was before. But by laying it on pleasure houses instead of pleasure carriages, or on pleasure houses as well as pleasure carriages, the imposition would be equalized.

The sources of income contemplated in the resolutions I have laid on the table, are brought into view, not so much for the purpose of pressing them forward at this session, as in order to show that there probably are as many projects in imagination as there are members in their seats: and if indeed the honorable gentleman from New York persists in his scheme, contrary to the report of the committee, I do not know why every other theorist may not be indulged in the prosecution of his, too. The result of it all will be, I have no doubt—I am certain from reflection and observation on the course of our business—that after floundering for a fortnight, at this intemperate season, through a mire of schemes, we shall at last return, nothing the wiser or nearer our respective objects, to the report of the Committee of Ways and Means. At another session there will be abundant opportunity for the alteration of such taxes as may be enacted at this, and the introduction of such additional taxes as may be devised.

I am myself attached to a system of income taxes. All economists agree that taxes are preferable which bear on income, to taxes which

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bear on principal, as I have before intimated. The tax on successions would be a fair and a profitable one, and easy of collection. I would provide for it, as is done in England, by a clause or two in the stamp act, declaring that receipts to executors and administrators should not be valid unless stamped with a particular kind of stamp, together with other securities for the attainment of the tax. The public would thus be, in fact, the heir of every decedent; and his heirs or devisees would be obliged to pay but a small discount on the receipt of their successions. This is a tax as old as the age of Augustus Cæsar, and in operation, I believe, in most of the countries of modern Europe.

The tax on law suits I would arrange also by a clause or more in the stamp act, declaring that, on the institution of any suit for a demand exceeding \$100, the party plaintiff or complainant should be obliged to pay down a certain sum, say never less than one dollar nor more than five, which should abide the event of the action, like other costs. If the plaintiff succeeded, the advance should be refunded to him by taxing it on the defendant. If the defendant succeeded, the plaintiff should not have it back again. I cannot speak with any precision of the number of suits brought in any other jurisdiction than that of the several courts of Philadelphia. I compute there about 3,500 a year. Taking, therefore, our population in that district, and this number of suits, and calculating the product on the whole United States at the same rate, and I make an annual income which might amount to \$300,000, from this item of internal revenue.

But the best of all taxes, in my opinion, is an income tax. It is true it was reserved for one of the last struggles of finance in England, where it did not appear until the time of the late Mr. Pitt. But it affords, as appears by the British budget for 1812, upwards of thirteen millions sterling a year; and must be, of all taxes, the most just, because it is nothing more than a deduction from superfluity and wealth, to be bestowed in the public service. It is perhaps true, that very serious difficulties would occur in its collection. But I do not think it would be found indispensable to put every citizen to his oath as to the amount of his income. The amount might be assessed according to his visible or ostensible property, as I believe is the case with other rates in Philadelphia, leaving to the party a right of appeal in all cases of grievance, but fixing him with the burden of disproving what he had been rated at.

Nothing now remains to be considered but the mode of collection—an article of the utmost delicacy and importance. It is collection with all its domiciliary visits and examinations, that disgusts people more than the amount of their contributions. The grand aim is to combine as much as can be done—1. Equality of operation; 2. Abundance of product; and 3. Simplicity of collection. The first, in this country, is unattainable. The most you can do is to countervail tax

against tax, so as to create a sort of equilibrium throughout the respective States. The second, abundance of product, may be secured, provided the nicest adjustment take place of the third, simplicity of collection.

Collection in the United States must needs contend with uncommon difficulties. In England it is said to cost five per cent., in France sixteen. Where a land tax constitutes a principal item, the expenses of collection will naturally be greater than where the sources of revenue lie in other quarters. And in England, where so large a proportion of their population inhabits the single city of London, and so much more of its other considerable towns, taxes may be collected with greater facility and less expense than in countries differently situated as to their interior distribution. But I do not believe that the expense of collection in France is so great as sixteen per cent. This assertion comes from Sir Francis D'Ivernois; who, though he has a foreign name, is nevertheless an English writer; and, therefore, his statements of French finance are to be received with some grains of allowance.

In the debate on Mr. MONTGOMERY's proposition, I have already expressed my approbation of that part of the plan of the Committee of Ways and Means, which proposes to leave the interior arrangement of the land tax to the State authorities. The *Federalist*, which, as a contemporaneous work with the Constitution, I refer to as high authority in these particulars, will be found, in the 36th and 45th numbers, marking out precisely the course now recommended to be followed.

1. In reserving taxes for an emergency, for a supplemental revenue.
2. In leaving the option with the States of paying in advance and collecting for themselves.
3. In the mode of collection, employment of State officers, and conforming to their previous proceedings.

I do not consider the amount to be collected the first year or so a point of very great moment. There is plenty of money in the country at the public service. Pledge the public faith, by taxation, for the faithful redemption of the national debts by means of permanent resources, and I dare to say you may have as much money as will be required by loan at moderate interest. It is the principle that is to be established. It is the pledge that is to be given. Care indeed should rather be taken not to call forth too much at first. The system is to be initiated, to be inaugurated—when once fairly in process, the product may be gradually increased to almost any amount.

Sir, coming here, as I do, the idea of apprehension at a plan of internal revenue, is absurd, preposterous, chimerical. The great, opulent, and exemplary district, which I have the honor in part to represent, second to none in resources and inclination for them; the district composed of the city and county of Philadelphia sends me here, unworthy as I am, on the broad basis of a majority, large enough to turn the counterpoise in two

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of those States, which, voting by a general State ticket, are represented on this floor, by no less than eight honorable gentlemen, together with four honorable colleagues in the other House. The great, central, and sterling State, of which I am a native and to the manor born, has associated me with one-and-twenty colleagues, fairly chosen in their respective neighborhoods, without carving or lumping, the lineal offspring of the purest exercise of the right of suffrage, and elected by an aggregate majority, which, if it could be applied to such a purpose, would be sufficient to rectify the polls in all the doubtful States of the Union. Thus supported, what have we to apprehend from the enactment of those taxes we are pledged to vote for, and concerning which I have no other apprehension than that a general incongruity and irreconcilableness of local prepossessions may delay them for the present session? I assure you, Mr. Chairman, that I shall go home in triumph if the taxes pass, but in shame and mortification, and fear to look my constituents in their faces, if they do not—if by any accident or difficulty they should be prevented or impeded. I am full of well-grounded hopes that, on this momentous occasion, the State of Pennsylvania will give a unanimous vote for the country. In our prosperous community we have neither commerce run mad, nor agriculture in extremes, nor manufactures out of order; but commerce, agriculture, and manufactures, all happily blended together in just proportions, and reciprocally accessory to each other's advancement and prosperity. We have a secret there for the security and permanence of political rectitude and consistency, which I beg leave to recommend to the consideration and adoption of my friends from Virginia and New York. They shall have it for nothing, and will find it inestimable. It is universality of suffrage; it is the practical commentary on the rubric of the Constitution—"We, the people of these United States."

I cannot help thinking the motion now before us, submitted by the honorable gentleman from New York, (Mr. Fisk,) a hasty and ill-advised endeavor to exempt his own portion of the Union by double and treble loading other portions—a mode of proceeding of which I cannot approve, and to which I will not accede. Lay on your taxes fairly, and we will contribute our quotas to them all from Pennsylvania without a murmur, and in any quantity required, according to our population.

An honorable gentleman of this House, before I had a seat here, declared us wanting in influence, for a reason which I will not repeat—I am sure it was urged only because founded in mistake, and I do not allude to it with any design of recrimination—that honorable gentleman will permit me to assure him that we are now ambitious of putting at least our patriotism to the test in any way this critical subject may require; and as far as influence is to be proved or merited in the heaviest vote for taxes, we shall not shrink from an emulation with his State, or any other. Sir, comparisons are said to be odious in social

life, and certainly they are so in political society, like ours, composed of eighteen independent sovereignties. But as the former war with England was said to be the time which tried men's souls, so is this the crisis when men's votes are to be put to the test. Let us see if, at a dead lift for the country the *caput mortuum* of Pennsylvania will not be distinguished above other peers of the realm. We are ready, and anxious, to take our full share of all the burdens. I put it to the candor and good sense of the gentlemen without exception, on this side of the House, to reflect whether the ends of the present session, productive taxes for the support of a prosperous war, are likely to be attained by accumulating burdens on any particular provinces of the country, to their prejudice and the unfair exclusion of others. As to this excise, everybody must know that my more immediate district would feel it as little as any one on the continent. But I am not the less, on that account, impressed with its radical and enormous inequality, injustice, and inexpediency, if taken, as submitted, as a substitute for the land tax. Sir, there are no terrors in taxes now to the State of Pennsylvania. We have been used to serving without reward; and I hope, decidedly as I am opposed to the proposed substitute, that we could be reconciled even to that, for the emergency, if a majority of this House should resolve to lay it on us.

We have contributed not less than three or four thousand recruits to your armies, within the last year, without the compliment of one single general officer. We advanced, I think, about three millions to the loan of 1812, and about eight millions to the loan of 1813, together with a surplus of one million, voted by the State for the support of public credit, and the Federal cause. We have been accustomed too long to an undue weight of the burden of State, without either soliciting, or receiving unsolicited, a corresponding allotment of the current public patronage, to set ourselves about repining at this time of day over any act of injustice that may be inflicted on us. For myself, I can only say that, if, after doing my utmost to prevent the enactment of an unequal system of internal revenue, I should fail in that endeavor, it shall then be my next to strive at least to reconcile my own mind, and the minds of my constituents, to its operation. This is no time for cavils; and rather than endure any longer the insufferable injustice of our enemies abroad, it is much better to submit cheerfully to the more tolerable injustice of our friends at home.

Taxation is the last experiment of Republicanism. I do not use that term as a partisan, but in its general acceptation. If we can tax, Republicanism endures forever; if not, it is high time to be done with it. Without the power of waging war, Government is useless; and war cannot be waged without finances. Anxious for the result of this final experiment, I confess I am. But, at the same time, confident that its success will be transcendent. The gentlemen on the other side of the House supposed, for a long time, that the present Administration could not be driven into a

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war. Those gentlemen were mistaken. They deceived themselves. Since the declaration of war, they suppose that we are too apprehensive of the effects of taxes, to lay them on. Here, again, they will find their error. And, at all events, be the issue what it may to me, as an individual, I am cheered and sustained, and impelled forward by the reflection that, to the country at large, it must be advantage and prosperity. Let us put it to the trial without delay; and if it will not be taxed, it is, I repeat, high time that we should know it.

Mr. FISK spoke a few words in explanation; and concluded by moving that the Committee rise; which motion was agreed to, and the House adjourned.

WEDNESDAY, June 30.

Mr. WHEATON presented an address from the religious Society of Friends, in New England, (commonly called Quakers,) met in their annual assembly in Rhode Island, requesting "that no opportunity may be omitted of sheathing the sword, even during the pending negotiations, and of restoring to our nation the blessings of peace."—Read, and ordered to lie on the table.

Mr. TROUP, from the Committee on Military Affairs, reported a bill making a further appropriation for fortifying the ports and harbors of the United States; which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. NELSON, from the Committee on the Naval Establishment, reported a bill to amend and explain the act regulating pensions to persons on board of private armed ships; which was read twice, and committed to a Committee of the Whole to-morrow.

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The question, whether the Committee of the whole House have leave to sit again on Mr. FISK's resolution for laying an excise on domestic distilled spirits, was taken up and decided in the affirmative—yeas 63, nays 48.

And the further consideration of the same was then postponed to Monday four weeks—yeas 63, nays 61.

The House then resolved itself into a Committee of the Whole on the bills for laying and collecting a direct tax.

The Committee proceeded to consider the bill for laying a tax on licenses for distilling.

Mr. BIBB read a letter from the Secretary of the Treasury, explanatory of his reasons for recommending (in answer to the inquiry of the Committee) that the tax be laid on the capacity of the stills in preference to quantity distilled.

Mr. BIBB moved to fill up the blanks in the several sections respecting the time when this bill shall be put into operation, with the words "first day of January next," which was agreed to without opposition.

Mr. TAYLOR, after a speech of considerable length, moved to strike out the whole of the 2d

section of the bill, which lays a tax on the capacity of the still.

[A debate of considerable length took place on the motion, in which Messrs. BIBB, DUVAL, WRIGHT, FISK of New York, ROBERTS, FINDLEY, BOWEN, SHEPHERD, and PICKENS, successively spoke.]

Mr. DUVAL.—Mr. Chairman, I rise with reluctance to address you on this subject. But the interests of the nation, and particularly the Western States, are deeply concerned in the subject now under consideration. Sir, I was opposed to the amendment offered to this bill by a gentleman from New York, (Mr. FISK,) on yesterday, changing its principle by laying an excise duty of nine or twelve cents on each gallon of domestic distilled spirits; and the proposition now made by another honorable member from the same State, (Mr. TAYLOR,) to strike out the first and second sections of this bill, is made with the avowed intention of laying an excise duty on the gallon; it is the same proposition, made only in another manner. I fear, sir, if this motion should prevail, the first and second sections of this bill be lost, and its principle entirely changed, its final passage will be rendered doubtful. I ask but the attention of this Committee for a short time to prove to their satisfaction that the motion to strike out ought not to prevail. To do this, I shall not exhaust your patience by a learned display of ancient and modern history, or by a recitation of the fiscal systems of Great Britain and France. For the honorable member from Pennsylvania (Mr. INGERSOLL) has taken a wide and learned view of all these subjects. I shall account myself fortunate if I can come to the point in controversy, and mix up a little common sense in the opinions I shall advance. I admire the book learning that has been displayed by several gentlemen on this subject; but let me assure you that common sense and practical knowledge of the operation of this tax, are worth all the learned theories and disquisitions which we can have on this subject. I ask who are to pay the tax on stills? The people of the Western country, who have already sustained the weight of the war. The people of the Western country, are they to do all the fighting, and to pay all the taxes? Will the people of the South, East, and a great portion of the North pay this tax? No. It will be paid by the Western people, men without capitals, farmers, whose distance from the seaboard compels them to distil the product of their farms, in order to take it to distant markets in the only shape that can reward them for their labors. The tax, as proposed in the bill reported by the Committee of Ways and Means, is one dollar and eight cents per gallon on the capacity of each still. I fear that this will be more than our farmers can pay; men who are obliged daily to labor on their farms for the support of their families, cannot command the money that will be required to pay the tax on their stills. A license on a still of the capacity of one hundred and fifty gallons, for one year, will amount to one hundred and sixty-two dollars, which not one farmer in two

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hundred can advance. The certain consequence, then, will be to prevent all who are owners of stills (and who cannot command the amount of duty) from distilling at all. The revenue, contemplated even under the bill as it now stands, will fall far short, I fear, of the calculations already submitted, which is seven hundred and fifty thousand dollars. The tax is now too high. It will not yield as much revenue as can be raised by lessening the duty, for if the duty was seventy-five cents per gallon upon the capacity of the still, I assert that three stills would be in operation under the duty, when not more than one in five will be employed under the regulations which are now submitted by the bill as reported. But change the principle of this bill, and lay an excise of nine or twelve cents on each gallon of domestic spirits distilled, and I venture to predict, that the revenue from this source will be but an illusion. Men in moderate circumstances, and such constitute the large body of the people in the Western States, will be completely debarred of the use of their stills, and the Government defeated of its revenue by an avaricious and over-calculating spirit. The thousands that this tax has been calculated to produce will vanish like a morning dream. If it is our serious business to raise money for the war, let me ask if it is wise or prudent to lay such a weight on one article, when it is evident that, if overstrained, it will sink at once with all our prospects, all our hopes of revenue? I was surprised when I heard the gentleman from New York (Mr. Fisk) gravely tell you, that the whole revenue now wanted by the Government, ought to, and could, be raised by an excise on distilled spirits. But, surprise was changed to astonishment when that gentleman said a revenue of twenty-five millions of dollars could be raised in the way proposed, and that he would vote for the raising of that sum if necessary. Yes, sir, I have no doubt that that gentleman and many others will vote for laying an extravagant excise on distilled spirits, because they hope by doing so to avoid (what they view with trembling apprehension) a direct tax; their own constituents will not then feel the weight of the taxes, and if this motion shall prevail, it will exempt them from the burden of the Government. This course of legislation is, I suppose, what some gentlemen call patriotic—supporting the war with vigor by shuffling the burdens of it from their own on the shoulders of others. If so, let them boast of their virtue and patriotism in voting for the only tax that cannot reach their constituents. Such refined patriotism does not belong to the Western people. I, sir, shall vote for the bill as reported by the Committee of Ways and Means, not because I think it equal, but because the situation of this nation demands that we raise a revenue; because, if this law laying a duty on stills does not pass, no other tax bill will get through this House. The tax on stills has never been popular in my State, and I do not expect it will be approved of by every person in my district. The great body of the people of the Western States will, however, submit with

cheerfulness, as they know the necessity that requires them to contribute to the National Treasury, is of first importance to the Union. I know that gentlemen in the Opposition have said publicly that the people will not submit to be taxed, because they objected to taxes under Mr. Adams's Administration. Sir, I will not stop, for a moment, to point out the difference; it is too obvious to need any explanation.

Let me, before I leave this subject of taxation, say something more about the twenty-five millions of dollars, which the gentleman from New York (Mr. Fisk) has asserted can be raised by an excise on distilled spirits. Is there one man of common sense in this House, or in the nation, who can seriously believe this mighty sum can be thus obtained? Surely, sir, that honorable member must have been lately reading some extravagant fairy tale; perhaps Aladdin and his wonderful Lamp has engaged the gentleman's fancy, and has led his imagination captive through hills of gold and valleys of diamonds; or, perchance, he has been dreaming of the philosopher's stone, whose magic touch changes everything to gold; for how else can we account for this unconfined and extravagant calculation? Sir, there is only one other way. I know that some members who voted for this war will vote for any sum to give it continuance and effect, provided their constituents have none of it to pay. Taxation will endanger their popularity; the very idea of taxing their constituents is appalling; already they feel their seats trembling under them, and another election may tumble them from their elevation. Many who voted for the war did not believe it would last three months; for the people of England had become restive under the operation of the embargo and other restrictive systems, and many politicians believed that, as soon as the declaration of war was known in England, the people of that country would rise *en masse*, change their Ministry, and demand a peace. How differently things have happened need not be told here. These gentlemen have been disappointed; they have pledged themselves to support this war, and are afraid to vote for the taxes. If they could only appear consistent in the eyes of the nation, it would be no subject of serious regret with them if the tax bills should fail altogether.

I have heard (though I am not conversant in legislative proceedings) of such a thing as killing a bill with kindness; or, in other words, by heaping so many amendments on it (all for its good, no doubt) as to effectually destroy its existence. If this motion or amendment should be acceded to, such will be the fate of the present bill; and if this bill is defeated, those gentlemen who are looking with anxiety for an opportunity to bolt, will then have a fine excuse to defeat the whole contemplated revenue, because the bill laying a duty on stills did not pass. Thus, in the appearance of raising an ample revenue for the necessities of the nation, those gentlemen are taking the most effectual steps to prevent all taxation. The bills now before us were reported and agreed

to during the last session of Congress. Why were the taxes not then brought into operation? Because the very men who voted for the war could not be brought to act with unity; they believed the war would be only in name and not in fact, or surely they would have provided the means of prosecuting it with vigor.

The motion to strike out the first and second sections of this bill would not be made at this late day, but for the purpose of defeating the bill, and thereby destroying the whole system of revenue. More than six weeks have elapsed since we have been consulting here, and nothing of consequence have we yet done, and nothing shall we do, unless we lay aside our local prejudices, think ourselves what we are, the Representatives of the Union, and, as such, act with decision and independence. No one honorable member can hope, in the various bills, to get them all so framed as to meet his individual interest, or that of his constituents. We had, then, better adhere to the report of the Committee of Ways and Means; unless we do so, there can be no general good resulting to the nation, for none can be hoped for from the trimming policy heretofore pursued. Let gentlemen reflect—the eyes of the nation are turned on them in anxious expectation—that much is expected from them. But if they do not mean to meet the expectations and wishes of the people; if they do not mean to vote for the taxes, I call upon them to come out openly and fairly, and not work behind the scenes, but declare their opposition; the forces can then be counted on each side of the House; and if we are too weak to pass the bills for the raising of revenue, we can, at least, save some expense to the nation by going home.

You cannot complain that the Federal gentlemen have impeded you in this business of taxation; they have told you that they will not vote for taxes, because they were opposed to the war; but they throw no obstacles in your way. You are the majority, and can raise any revenue in spite of all opposition, if you have independence enough to act with unity, like men. Who can you blame, then, but yourselves for this shuffling delay and indecision? This is not the time to talk of the justice or necessity of the war; that you should have thought of sooner. When it was declared, you said it was not only just, but absolutely necessary; and you have pledged yourselves to support the Administration in the means and aid it in the management of this war. You have called the sons of freedom to arms, and your call has been obeyed. Thousands have rallied around the national standard, and many of the brave have already fallen to support your opinions and their country's rights. For support, the warriors of the Union look to you as the collected virtue and wisdom of the nation. You must provide money for your soldiers; you must support and furnish them with the munitions of war. And can all this be done without taxation? Where are your millions? In your Treasury? No, sir. I believe the public coffers have an empty sound. To the magnanimity of the peo-

ple you must surely look; call on them now for money, and, my life on it, they will not hesitate to meet your demands. As freemen, contending for their rights, the people will never withhold their money when the object to be attained is worth it. Who is there, then, that voted for this war, that will now hang back and refuse his assent to those taxes? Can the one be supported without the others? Shall he who was among the first to assist in raising the standard of war, in calling the nation to arms, be the first in the hour of peril and misfortune to desert his post and his principles? I trust, sir, for the honor of the country, none will act so miserably mean; so disgraceful to himself; so ruinous to the interest and credit of the nation. But if any man shall shrink from the high responsibility he has drawn on himself, I warn him of the fate he may expect; of the bitter anguish he shall feel; for woe shall light on him in the curses and execrations of his country; history shall mark his name with infamy; it shall descend as an example of disgrace to future generations; and it will be mercy in that Being who holds in his hand the destinies of nations, and who judges of the actions of men, if he does not more than damn the man who shall thus basely desert his country.

MR. SHIPHERD.—MR. Chairman: If I understand the motion of my honorable colleague, (MR. TAYLOR,) it is to strike out the second section of the bill before the Committee, with a view to move to enhance the several duties imposed therein. If so, I hope his motion may prevail; and, therefore, I rise to offer to the Committee a few remarks on the subject.

Sir, I wish to reserve to myself the right of an ultimate opinion, which now may not be formed, upon the propriety or impropriety of the passage of any of the tax bills reported by the Committee of Ways and Means, and, in the end, to vote against or for them, as my judgment shall then dictate. I shall now only urge the propriety, if we must have taxes, to make domestic distilled spirits bear its full proportion.

That this is more suitable than a direct tax, I have no doubt, and will operate more benignly upon the Union; and I think I can show that it will be vastly less injurious, and less oppressive than a land tax.

A direct tax is paid in by constraint; an indirect tax by choice. In the former case, it is the imperious, unrelenting mandate of the law, that draws forth, even from the meagre purse of poverty, its last pittance; while in the latter, it is wholly a matter of choice, which the consumer may regulate according to his necessity or prosperity. If the crops of the farmer are cut short, his cattle die, or if, in any way, he is unfortunate, he can, by the exercise of common prudence, relieve himself from the burden of this tax, by drinking no spirits, or he can drink less, and pay less. But, sir, with your land tax, there is no such alternative—crops may be blighted, cattle die, and yet the inexorable scowl of a collector pays the wretched unfortunate his annual visit—the hand of law draws forth the last cent of his

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hard earnings, and that, too, which may be indispensable for the common comforts of his family. Sir, this is too often a wretched source from which to draw a revenue, for, really, humanity shudders at the idea of burdening beyond endurance the honest but indigent man.

It is said that the farmer who owns land must be able to pay the demands of the Government, having a proportionable fund in his hands. Sir, it is not a necessary consequence that a man has the ability to pay because he is in possession of real property. Firstly, because he may not own the land he occupies; and secondly, because, although he may have a legal title, it may be encumbered by a mortgage, to the last cent of its value.

I trust the Committee do not need to learn that, in many parts of the United States, the possessors of land have no interest in the soil but a naked possession. Driven by necessity, they obtain, and are only able to obtain this most miserable and precarious of all titles. Too poor to purchase, or to hire, they are constrained to drop themselves and families on some uncultivated spot, and by patient toil and perseverance have become enabled to subsist. If you levy a direct tax, from this source you will draw a considerable portion of your revenue.

Again, sir, much of the real property in some parts of the Union is leased to men of very slender means, and most generally does the landlord require in the lease, that his tenant shall pay the taxes. Whatever disasters, therefore, the tenant may experience, yet he must pay. He is burdened, the owner escapes. I make these remarks to show that you are not, in laying a direct tax, imposing it upon wealth, but, in too many cases, upon indigence, absolute poverty, and a poverty, too, which human foresight could not prevent; but one which may be brought on by sickness, or loss, or both.

The wisest object of all Government is, to tax the wealthy, and not the indigent; to tax the luxuries, and not the necessities of life.

It is a fact, not to be disputed, that a vast many of the hardy and enterprising emigrants who have ventured to plant themselves in the wilderness, and who have purchased their lands wholly on credit, have undergone almost every privation, have found much difficulty in saving what has cost them so much fatigue, for the want of funds to pay the interest; and, perhaps, the instalment of their purchase would be through men who would pay much of this tax; and to such a man, a tax, superadded to the ordinary taxes of the State, may become a burden not to be borne. It may be the ruin, and break down the spirit of an honest, industrious, and indispensable portion of the community.

In a tax of this nature you may expect to create much discontent, and you do so because you do not leave to the citizen the exercise of his volition; and I have always believed that it was an interesting and important object with lawgivers, so to frame their laws as they will tend to

preserve a good understanding between the governors and the governed.

Yes, sir, preserve the affections of your citizens, and you have all you want. Once break that cord of affection, and you have nothing left. If this position is true, it requires no very accurate discernment to discover which is the true course, and a little knowledge of the disposition of men will evince the truth of this axiom: That, while men will suffer much when left to choice, they will endure but little without murmuring, when constrained by power so to submit.

Sir, if you make domestic distilled spirits the object of taxation, it must be seen, that if any part of the tax is paid, it is a voluntary payment. It is therefore not felt or complained of, being paid only by the man who chooses to be taxed. If he considers this commodity convenient or agreeable to him, he purchases it with its encumbrance, he knows what he buys, and is left at liberty to buy or not to buy—no reasonable man can or will complain.

But, sir, there are other considerations which operate strongly on my mind in favor of the motion of my honorable colleague; and, before I proceed to mention them, I beg leave to introduce to you an honorable gentleman from Pennsylvania (Mr. INGERSOLL) whom I see in his place; and I am the more induced to do it seasonably, from a strong sense of justice to that gentleman, who travelled so far out of his way, in his speech of yesterday, to visit me. I say he travelled out of his way; for I well know I was not in his way—that I had no connexion, directly or indirectly, with the course he was running; and yet, sir, I well know he run so directly foul of me, had he not stumbled, he most unquestionably would have run over me.

The honorable gentleman began by telling the Committee that I had come forward in a speech, with religion in my heart, and politics in my head. As to the first, sir, I will only say, that I humbly hope I have religion in my heart, and if I have, I ought to thank with fervent gratitude that good Author of my being, who has bestowed upon me this precious gift; and I really wish that I could with sincerity reciprocate this charge with that gentleman (Mr. INGERSOLL.) Whether I can or not, I am yet to learn; and whether he has that religion or not in his heart, is a matter between his own soul and a God of Justice as well as Mercy, to whom he is responsible, and before whom he must hereafter appear and answer.

The gentleman next expressed his total ignorance of the district I represented. This ignorance I presume, sir, will not surprise the Committee; first, because I have led an obscure life, in comparison with some gentlemen; and secondly, because the Committee cannot suppose that the honorable gentleman, whose great mind plays with no less toys than great cities, like his own dear Philadelphia, kingdoms and empires, should know the obscure district which I represent. Why, sir, the honorable gentleman wields a Napoleon and Frederick with all their armies and

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Empires as easy as he would toss a guinea; he shoulders a continent with as much facility as a farmer would shoulder his bushel of wheat. He strides from the rock of Gibraltar to Kamschatka with one colossal step—from there to Moscow with another. He at the same instant stamps the Prussian monarchy in the dust with one foot, kicks the breath out of John Bull with the other, and washes his hands in the Dwina. Why, sir, he compounds politics, morality, ethics, mineralogy, history, law, chemistry, astronomy, philosophy, patriotism, and whiskey, into one composition, with as much ease as the druggist pounds and compounds soap and aloes for pills. Really, sir, I could have no reason to expect the gentleman could condescend to know the district whose humble representative I am. But, sir, I will give the gentleman some information on this subject; and first, permit me to tell him, if I am to receive his moral and political principles as a sample of his constituents, I can assure him, that it is a high consolation to me that I do not represent the district of Philadelphia. But I do represent a district of plain farmers, who earn their bread by the sweat of their brow, who are affectionate, generous, sincere, and should their rights ever be invaded, their enemies will find they are brave; they are a people, sir, who labor six days, and who worship their God one.

It is true, that money in my district is not so abundant, nor does it possess the active principles or power which the gentleman mentions, nor has it so much patriotism, that when the governmental box is opened, like a tame pigeon, it will run or fly instantly into the cage. No, sir, money in my district has no such convenient property, even at seven and a half per cent., as it has in the district of the gentleman.

If the gentleman has any more of this travelling money, call it what he pleases, soul or body of war, I sincerely wish that some of it may stray to the North, and save my poor desponding constituents from that ruin, which the indiscreet measures of those he calls his friends have brought upon them. If the gentleman will send but a few dozen of genuine bank notes into my obscure district, I will obligate myself, that my constituents shall release to the gentleman and his constituents, all the blessings of war and direct taxes.

Sir, the gentleman's speech delivered yesterday was a very great speech, and if you judge of its merits by its superficial contents, (not weight,) length and breadth, by the foot, board measure, the speech has rarely been matched by any speech either of ancient or modern times, from the days of Isocrates, down to the honorable gentleman, from the great and patriotic whiskey-hating city of Philadelphia.

Now, sir, one word about whiskey. The gentleman has told us his city drinks no whiskey; of course I presume the gentleman drinks none, and from the very exalted reputation he has in such a glowing manner given to Mr. Gallatin, I should presume he drinks none, and yet, sir, he (Mr. INGERSOLL) tells us, that the Secretary of the Treas-

ury is now more than *half seas over*. Sir, if the honorable gentleman from Pennsylvania has not imbibed whiskey, he must have inhaled something at least as exhilarating, he must have snuffed a full portion of oxygen; for sir, it is impossible that the gentleman should be delivered of so great a speech, which, if measured as before mentioned, would entitle him to rank with the distinguished orators of the House—a speech which the gentleman acknowledges he has carried for three instead of nine months, since its first inception, or rather conception—without some powerful inspiration, and that he had this aid, no one who heard him could doubt, for really sir, my mind was very much bewildered, or the gentleman was farther over seas than the honorable whiskey-hating Secretary of the Treasury.

Now, sir, if the Committee will forgive me for this long digression, which really has nothing to do with my honorable colleague's motion (Mr. TAYLOR) no more than two hours and a half of the honorable gentleman's (Mr. INGERSOLL) speech had with the subject then under consideration, and which digression I have made with no other motive than to pay the gentleman a debt of courtesy, which I really and honestly owed him for travelling so far to visit me, I will settle a small account with the gentleman which has some connexion with this subject.

If I understood the gentleman, he stated expressly that morality and taxes had no connexion. Now, sir, I appeal to the good sense and moral feelings of the Committee, to refute a statement so absurd, and by that good sense and those feelings it will most undoubtedly be proved to be incorrect. Sir, is it nothing to a Legislature, whether their laws promote or destroy public, moral, and private virtue? without which, let me tell the gentleman, (Mr. INGERSOLL) no Government ever did or ever will long remain, no country ever was, or ever will be prosperous.

It is the want of virtue, and the want of piety in law-makers, that court the angry frowns of Omnipotence upon their country, which will at one time or other meet with the blighting curse, that shall wither and destroy all prosperity, peace, and even hope itself.

To me, sir, it appears of great importance, that our laws should be so framed as to cherish the morals of our countrymen, to prohibit their vices, to punish the evil doer, and hold forth strong inducements for men to be industrious, prudent, and upright. I consider, sir, that a severe tax on ardent liquors will produce this effect. If it is high priced, the intemperate who have not ample means to purchase, will drink less, and thereby contract sober habits. If it is very low and easily obtained, it will be but a bait that will invite to intoxication. For my part I am very willing, if we must have internal taxes, to tax thoroughly that which tends to the promotion of evil, and to leave unburdened that from whose breast we derive the nurture which sustains life.

Sir, I will make but one more remark. It is but justice that the burdens as well as the benefits resulting from our Union, should be equally

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borne. Those who live near the seaboard pay a large revenue to the Government, which is laid on imported liquors, while the more remote part of the Union pay little or nothing. Certainly, sir, it must be perfectly reasonable, that they too should contribute their share, at least, in some proportion to the advantages they experience. For these reasons, I hope sir, the motion may meet the approbation of the Committee.

The question was then taken on striking out the second section of the bill and decided in the affirmative—yeas 73, nays 68.

The Committee of the Whole then rose, and reported the bill with this and other amendments.

The House proceeded to consider the report of the Committee of the whole House. The question on concurring with the Committee in striking out the second section of the bill was taken by yeas and nays, and decided in the negative. For concurrence 81, against it 82, as follows:

YEAS—Messrs. Avery, Baylies of Massachusetts, Bigelow, Bowen, Bradbury, Bradley, Brigham, Burwell, Chappell, Cilley, Clopton, Comstock, Cooper, Cox, Culpeper, Davenport, Davis of Massachusetts, Denoyelles, Dewey, Ely, Farrow, Fisk of Vermont, Fisk of New York, Forney, Forsyth, Gaston, Geddes, Goldsborough, Goodwyn, Gourdin, Grosvenor, Hale, Harris, Hasbrouck, Hawes, Howell, Hubbard, Hufty, Hungerford, Kennedy, Kent of New York, Kerr, King of North Carolina, Leferts, Lovett, Markell, Macon, McKim, Miller, Moffit, Murfree, Parker, Pickering, Pickens, Pitkin, John Reed, Rich, Richardson, Ridgely, Sage, Schureman, Sharp, Sherwood, Shepherd, Smith of New Hampshire, Smith of New York, Stockton, Strong, Stuart, Sturges, Taggart, Taylor, Telfair, Thompson, Vose, Webster, Wheaton, Wilcox, Wilson of Massachusetts, Winter, and Wright.

NAYS—Messrs. Alexander, Alston, Anderson, Archer, Bard, Barnett, Beall, Benson, Bibb, Boyd, Breckenridge, Brown, Caperton, Caldwell, Calhoun, Cheves, Clark, Condict, Conard, Crawford, Creighton, Davis of Pennsylvania, Dawson, Desha, Duvall, Earle, Evans, Findley, Franklin, Gholson, Glasgow, Gloninger, Griffin, Grundy, Hall, Hopkins of Kentucky, Humphreys, Ingersoll, Ingham, Irwin, Jackson of Rhode Island, Jackson of Virginia, Kent of Maryland, Kershaw, Kilbourn, King of Massachusetts, Lewis, Lowndes, Lyle, McCoy, McKee, McLean, Montgomery, Moore, Nelson, Newton, Oakley, Ormsby, Pearson, Piper, Pleasants, Post, Potter, William Reed, Rea of Pennsylvania, Rhea of Tennessee, Ringgold, Roane, Roberts, Robertson, Sevier, Seybert, Sheffey, Smith of Pennsylvania, Smith of Virginia, Stanford, Tannehill, Troup, White, Whitehill, Wilson of Pennsylvania, and Yancey.

So that the amendment of the Committee of the Whole was disagreed to, the second section reinstated, and the bill was again referred to the same committee.

THURSDAY, July 1.

Mr. ARCHER presented sundry documents in relation to the petition of John Pitchlyn; which were ordered to lie on the table.

On motion of Mr. MILLER, the select committee were discharged from the petition of Theophilus Barbaric, and the petitioner had leave to withdraw his petition.

A message from the Senate informed the House that the Senate have passed a bill "to prohibit the citizens of the United States from carrying on any trade or traffic with the dominions or dependencies of the United Kingdom of Great Britain and Ireland;" also a bill "authorizing the President of the United States to cause to be built barges for the defence of the ports and harbors of the United States;" also, a bill "to incorporate a fire insurance company, in the town of Alexandria, in the District of Columbia;" in which bills they desire the concurrence of this House. The Senate have also passed the bill from this House, "to reward the officers and crew of the sloop of war *Hornet*," with an amendment, in which they desire the concurrence of this House.

The first mentioned bill of the Senate was read twice, and committed to a Committee of the Whole to morrow.

The second mentioned bill of the Senate was read twice, and referred to the Committee on the Naval Establishment.

The third mentioned bill of the Senate was read twice, and referred to the Committee for the District of Columbia.

The amendments proposed by the Senate to the bill "to reward the officers and crew of the sloop of war *Hornet*," were read, and referred to the Committee on the Naval Establishment.

WAYS AND MEANS.

An engrossed bill for the assessment and collection of direct taxes and internal duties was read the third time; and, on the question that the same do pass, it passed in the affirmative—yeas 94, nays 63, as follows:

YEAS—Messrs. Alexander, Alston, Anderson, Archer, Bard, Barnett, Bibb, Bowen, Brown, Burwell, Caldwell, Calhoun, Chappell, Cheves, Clark, Clopton, Comstock, Conard, Crawford, Creighton, Davis of Pennsylvania, Denoyelles, Desha, Duvall, Earle, Evans, Farrow, Findley, Fisk of Vermont, Fisk of New York, Forney, Forsyth, Franklin, Gholson, Glasgow, Goodwyn, Griffin, Grundy, Hall, Hasbrouck, Hawes, Hopkins of Kentucky, Hubbard, Humphreys, Hungerford, Hyneman, Ingersoll, Ingham, Jackson of Virginia, Kent of Maryland, Kerr, Kershaw, Kilbourn, King of North Carolina, Leferts, Lowndes, Lyle, Macon, McCoy, McKee, McLean, Montgomery, Moore, Murfree, Nelson, Newton, Ormsby, Parker, Pickens, Piper, Rea of Pennsylvania, Rhea of Tennessee, Rich, Richardson, Ringgold, Roane, Roberts, Robertson, Sage, Sevier, Seybert, Sharp, Smith of Pennsylvania, Smith of Virginia, Tannehill, Taylor, Telfair, Troup, Whitehill, Wilson of Pennsylvania, Wood, Wright, and Yancey.

NAYS—Messrs. Baylies of Mass., Benson, Bigelow, Boyd, Bradbury, Breckenridge, Brigham, Butler, Caperton, Champion, Cilley, Cooper, Culpeper, Davenport, Davis of Massachusetts, Dewey, Ely, Geddes, Goldsborough, Grosvenor, Hale, Hanson, Howell, Jackson of Rhode Island, Kennedy, Kent of New York, King of Massachusetts, Lewis, Lovett, Markell, Miller, Moffit, Mosseley, Oakley, Pearson, Pickering,

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New York Contested Election.—Defence of Maritime Frontier.

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Pitkin, Post, John Reed, Ridgely, Schureman, Sheffield, Sherwood, Shipperd, Skinner, Smith of New Hampshire, Smith of New York, Stanford, Stockton, Strong, Stuart, Sturges, Taggart, Tallmadge, Thompson, Vose, Ward of Massachusetts, Webster, Wheaton, Wilcox, Wilson of Massachusetts, and Winter.

Mr. CONDUCT moved to be permitted to record his vote in the affirmative; which was determined in the negative.

The House again resolved itself into a Committee of the Whole on the bill, which has been recommitted to this Committee, laying a duty on licenses to distillers of spirituous liquors.

Mr. TAYLOR renewed the motion which he made yesterday with success, in the Committee of the Whole, but which was reversed by a majority of one vote in the House, viz: to strike out the second section of the bill, which imposes specific duties, according to the length of time for which the license is renewed, of — cents for each gallon of the capacity of every still.

The question on the motion was decided in the negative: For the motion 65, against it 81.

Mr. FISK then moved an amendment, the object of which was to increase the duty on the capacity of the still to thirty-three and a third per cent. more than it now stands in the bill; which motion was decided in the negative: For the motion 70, against it 78.

Sundry other amendments were proposed and discussed, some of which were adopted and others rejected.

After this bill was gone through, the Committee took up the bill for laying a direct tax, and, having made progress, the Committee rose and reported progress; and the House adjourned.

FRIDAY, July 2.

Mr. NEWTON, from the Committee of Commerce and Manufactures, reported a bill establishing the town of Mobile a port of entry; which was read twice, and ordered to be engrossed, and read the third time to-day.

Mr. CRAWFORD, from the committee appointed on the petition of James Lloyd, made a report; which was read, and the resolution therein contained concurred in by the House, as follows:

Resolved, That the petition of James Lloyd, with the accompanying documents, be referred to the Secretary of the Navy, and that he be directed to make such inquiries and experiments on the subject as he may think necessary, and report the result thereof to this House, or otherwise employ the petitioner in the service of the United States, as he may think himself warranted from the nature of the discovery, and the result of the experiments made thereon under his direction.

Mr. NELSON, from the Committee on the Naval Establishment, reported the agreement of the Committee to the amendments proposed by the Senate to the bill "to reward the officers and crew of the sloop of war Hornet."

Ordered, That the said amendments be committed to a Committee of the Whole to-day.

Mr. NELSON, from the same committee, also re-

ported the bill from the Senate "authorizing the President of the United States to cause to be built barges for the defence of the ports and harbors of the United States."

Ordered, That the said bill be committed to a Committee of the Whole to-day.

The House then resolved itself into a Committee of the Whole, on the bill last mentioned.

After a short but animated debate on this bill the Committee rose, and reported the bill to the House; which was ordered to be engrossed for a third reading, in the following words:

"Be it enacted, &c., That, for the protection of the ports and harbors of the United States, the President shall cause to be built, without delay, such number of barges as he may deem necessary, to be armed, equipped, and manned as he may direct, of a size not less than forty-five feet long, and capable of carrying heavy guns."

The bill was subsequently read a third time, and passed, without a division.

CONTESTED ELECTION.

Mr. FISK, from the Committee of Elections, to whom was referred a resolution directing an inquiry into the legality of the election of JOHN M. BOWERS, a sitting member from the State of New York, made the following report:

That, by a return of the votes from the fifteenth district, in said State, it appears that John M. Bowers had 4,287; Isaac Williams, junior, 4,129; Isaac Williams 434; John M. Bowey 1; several other persons, in all 17.

From this statement, it results that John M. Bowers had a majority of 158 votes over Isaac Williams, jun.

By the affidavit of Luther Bissell, and the statement of the sitting member, it appears that there are three persons of the name of Isaac Williams, residing within the district, one of whom is designated by the addition *junior*; and it is candidly admitted by Mr. Bowers, that Isaac Williams, junior, and John M. Bowers, were the only candidates at this election, within his knowledge. It appears probable to the Committee that the votes given to John Bowers and John M. Bowey were all intended for John M. Bowers; and that those given for Isaac Williams were intended for Isaac Williams, junior; which opinion seems to be strengthened by the fact that, in four towns in said district, nearly one hundred votes were given in each for Isaac Williams, and not one for Isaac Williams, junior. If this be admitted,

| | | | | |
|-----------------------------------|---|---|---|-------|
| Isaac Williams, junior, will have | - | - | - | 4,563 |
| John M. Bowers, | - | - | - | 4,358 |

Leaving to Isaac Williams, junior, a majority of 205

But the Committee are of opinion that further evidence is necessary, to form a correct decision; and, in order to afford time to procure the same, they respectfully submit the following resolution:

Resolved, That the further consideration of this subject be postponed to the first Wednesday of the next session of Congress."

The report was concurred in.

DEFENCE OF MARITIME FRONTIER.

The House resolved itself into a Committee of the Whole, on the bill to amend the act in addi-

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Punishment of Piracy.

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tion to the act for raising an additional military force.

The first section of the bill authorizes the enlistment (at the discretion of the Executive) of five of the regiments of what are usually called the twelve months' men (authorized by an act of last session) to be for and during the war, instead of twelve months, to be limited, as to service, to the defence of the seaboard of the United States, or of such part thereof as the President may select and determine.

This section having been read—

Mr. TROUP explained the views of the Military Committee in recommending the passage of this bill. He spoke of the state of defence of our seaboard. It would be indiscreet and imprudent, he said, to enter into an explanation of the state of our seaports, as to their relative state of defence. It was true, that all our seaports might not be perfectly defended; but the situation of the United States in this respect was pretty much the situation of every country engaged in a state of war. It was never practicable for any Government to place beyond the reach of insult every point of its frontier. If our population were a thousand times more dense, if our military resources were a thousand times greater, we should not be able effectually to protect our seacoast. When we look at Holland and France, with their dense population, and multiplied resources, and find that they are not at all times exempt from apprehension and danger, we feel the less disposition to be dissatisfied at the present state of our maritime fortifications and defence. Notwithstanding the defence of our harbors is by no means perfect; it is, at least, respectable, and nearly complete, so far as fortifications are efficient to that end. Mr. T. said, he could go further than this, and say that the maritime cities of Europe are not generally better defended than ours. Supposing for a moment that the fortifications on our seaboard could be extended into a line of battery or redoubt along the coast, you would have a heavy piece of artillery at every distance of one thousand four hundred yards. This must be considered at least a tolerable defence. A few additional fortifications, however, were yet required, and a force adequate to man them. True it was, Mr. T. said, that we had men in abundance in service, militia, and volunteers; but militia and volunteers would not do for garrison duty. It would be idle for him at this day to enter into an argument to show that this species of force was not serviceable for garrison duty. It was necessary to substitute this force by one of a different description, better qualified for that duty. It was therefore proposed to raise five regiments of men exclusively for this purpose; which, with five regiments of the twelve months' men authorized to be raised on the Atlantic border, and five regiments of other troops to be retained in service, would make an aggregate of fifteen thousand men for the defence of our maritime frontier.

Mr. T., however, wished so to modify the bill as that the destination of this force should be subject to be changed by act of Congress, if Con-

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gress should hereafter deem it expedient; and he moved an amendment to that effect.

After a desultory debate, in which Messrs. TROUP, GHOLSON, WRIGHT, CLAY, GROSVENOR, BRADLEY, and TAYLOR, took part, principally turning on the propriety of enlisting men for a particular service or destination, this amendment was negatived—58 to 52.

Mr. BRADLEY moved to strike out the whole of that part of the section which restricts these men to a particular service; which motion was negatived.

The remaining sections of the bill, relating to minor amendments in the existing laws relating to the army, were struck out, on motion of Mr. TROUP, and the bill as amended was ordered to be engrossed for a third reading.

CONTESTED ELECTION.

The House then resolved itself into a Committee of the Whole on the report of the Committee of Elections, unfavorable to the petition of John Taliaferro, contesting the election of John P. Hungerford.

At the usual hour of adjournment the Committee rose, after much debate, without having gone through the business, and were refused leave to sit again, and the House adjourned.

SATURDAY, July 3.

Mr. SEYBERT presented a petition of William Thornton, keeper of the Patent Office, praying an increase of compensation, and that the privilege of franking may be extended to him in his official capacity.—Referred to the Committee of Ways and Means.

The engrossed bill establishing the town of Mobile a port of entry, was read a third time, and passed.

Mr. BENSON laid upon the table a resolution to the following effect, with an intimation that he should call for its consideration on Monday:

“Resolved, That a committee be appointed by this House, jointly with a committee to be appointed by the Senate, to consider what business is necessary to be done before the adjournment of Congress, and to report at what time the two Houses may adjourn.”

On motion of Mr. BIBB, the further consideration of the supplemental report of the Committee of Elections, on the contested election of John P. Hungerford, was postponed until Monday next.

PUNISHMENT OF PIRACY.

Mr. INGERSOLL, after a number of pertinent remarks on the present defects of the law providing for the punishment of piracy, and on the jarring decisions made by the judiciary officers thereon, and also on the present vexatious and difficult mode of taking depositions to be read in the courts of the United States, offered two resolutions for inquiry into the propriety of amending the laws in these respects. These resolutions he proposed to lay on the table, to be called up at the next session of Congress. On the suggestion of the Speaker, that this course was contrary to the rules, ac-

cording to which a postponement beyond the session is tantamount to a general or indefinite postponement, the House refused to consider the resolutions, which now, of course, lie on the table. The resolutions are as follows:

1. *Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of so altering that part of the thirteenth section of the act of the 24th September, 1789, entitled "An act to establish the Judicial Courts of the United States," as relates to the regulations for taking depositions to be read in the courts of the United States, as will afford a more certain and less defective mode of taking depositions and testimony in general, than is now prescribed by the said section of the said act.

2. *Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the several laws of the United States relating to that subject, as more effectually to define the crimes of piracy and robbery on the high seas, and provide the punishment therefor, and that the said committee have leave to report by bill or otherwise.

BILLS FROM THE SENATE.

A message from the Senate informed the House that the Senate have passed a bill "for the relief of Thomas Denney;" also a bill to relinquish the claims of the United States to certain goods, wares, and merchandise, captured by private armed vessels;" in which bills they desire the concurrence of this House.

The first mentioned bill from the Senate was read twice and committed to a Committee of the Whole on Monday next.

The second mentioned bill from the Senate was read twice and referred to the Committee of Ways and Means.

The House spent some time in Committee of the Whole, on the bill for laying a direct tax, and having risen at the usual hour, the Committee obtained leave to sit again.

THE WAYS AND MEANS.

The House proceeded to consider the amendments reported by the Committee of the Whole to the bill laying duties on licenses to distillers of spirituous liquors, and the same being again read were concurred in by the House.

A motion was then made by Mr. TAYLOR, further to amend the bill by striking out the first and second sections, after the enacting clause, and to insert the following:

That, upon all spirits which, after the first day of January next, shall be distilled within the United States, wholly or in part, from molasses, sugar, or other foreign materials, there shall be paid for their use, the duties following, that is to say:

For every gallon of those spirits, of the first class of proof, ten cents; for every gallon of those spirits, of the second class of proof, eleven cents; for every gallon of those spirits, of the third class of proof, twelve cents; for every gallon of those spirits, of the fourth class of proof, fourteen cents; for every gallon of those spirits of the fifth class of proof, eighteen cents; and for every gallon of those spirits of the sixth class of proof, twenty-five cents. And, upon all spirits which,

after the said day, shall be distilled within the United States, from materials of the growth or produce of the United States, there shall be paid the duties following, that is to say:

For every gallon of those spirits of the first class of proof, seven cents; for every gallon of those spirits of the second class of proof, eight cents; for every gallon of those spirits of the third class of proof, nine cents; for every gallon of those spirits of the fourth class of proof, eleven cents; for every gallon of those spirits of the fifth class of proof, thirteen cents; and, for every gallon of those spirits of the sixth class of proof, eighteen cents.

The question was taken on Mr. TAYLOR's amendment, and there appeared—yeas 82, nays 82, as follows:

YEAS—Messrs. Avery, Baylies of Massachusetts, Benson, Bigelow, Bowen, Bowers, Boyd, Bradbury, Bradley, Brigham, Burwell, Butler, Champion, Cilley, Clopton, Comstock, Cooper, Cox, Culpeper, Davis of Massachusetts, Denoyelles, Dewey, Ely, Farrow, Fisk of Vermont, Fisk of New York, Forsyth, Gaston, Goldsborough, Goodwyn, Grosvenor, Hale, Hasbrouck, Hawes, Howell, Hubbard, Hufty, Hungerford, Kennedy, Kent of New York, Kerr, King of Massachusetts, King of North Carolina, Lefferts, Lovett, Markell, McKim, Miller, Moffitt, Moseley, Parker, Pickering, Pitkin, Post, John Reed, Rich, Richardson, Ruggles, Schureman, Sherwood, Shipherd, Skinner, Smith of New Hampshire, Smith of New York Stockton, Strong, Stuart, Sturges, Taggart, Tallmadge, Taylor, Telfair, Thompson, Vose, Ward of Massachusetts, Webster, Wheaton, Wilcox, Wilson of Massachusetts, Winter, Wood, Wright.

NAYS—Messrs. Alexander, Alston, Anderson, Archer, Bard, Barnett, Beall, Bibb, Breckenridge, Caperton, Caldwell, Calhoun, Chappell, Cheves, Clark, Condict, Conard, Crawford, Creighton, Davis of Pennsylvania, Dawson, Desha, Duvall, Earle, Evans, Findley, Forney, Franklin, Gholson, Glasgow, Gloninger, Gourdin, Griffin, Grundy, Hall, Harris, Hopkins of Kentucky, Hyenman, Ingersoll, Ingham, Irwin, Jackson of Rhode Island, Jackson of Virginia, Kent of Maryland, Kershaw, Kilbourn, Lewis, Lowndes, Lyle, McCoy, McKee, McJean, Montgomery, Moore, Nelson, Newton, Oakley, Ormsby, Pickens, Piper, Pleasants, Potter, William Reed, Rea of Pennsylvania, Rhea of Tennessee, Roane, Roberts, Robertson, Sevier, Seybert, Sharp, Sheffey, Smith of Pennsylvania, Smith of Virginia, Stanford, Tannehill, Troup, Ward of New Jersey, White, Whitehill, Wilson of Pennsylvania, and Yancey.

The SPEAKER declared himself in the negative; so the said amendment was rejected.

Mr. GRUNDY moved to amend the bill by adding thereto a clause limiting the duration of this act to the end of the present war.

Mr. FISK moved to amend this amendment so as to limit the duration of the law to one year, and to the end of the next session of Congress thereafter. This motion was negatived, yeas 54.

After some objections to the motion of Mr. GRUNDY by Mr. MONTGOMERY and Mr. FISK, and in reply thereto by Mr. BIBB, the question thereon was decided in the affirmative—yeas 85, nays 43.

Mr. KING, of Massachusetts, moved further to

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amend the bill, by adding a new section thereto, as follows:

And for the encouragement of the export trade of the United States:—

SEC. 9. *And be it further enacted*, That, if any quantity, not less than one hundred gallons, of the spirits distilled at any of the stills, whereupon any of the duties imposed by this act shall have been paid, or secured to be paid, shall, after the — day of — next, be exported from the United States, to any foreign port or place, there shall be an allowance to the exporter or exporters thereof, by way of drawback, a sum equal to the duties on the still or stills while employed in distilling the quantity of spirits so to be exported, of which a true account shall be given by the distiller, on oath, deducting from such drawback, half a cent per gallon, and adding to the allowance upon spirits distilled within the United States from molasses, which shall be so exported, ten cents per gallon, as an equivalent for the duty upon molasses; which drawback shall be under the same provisions, restrictions, and limitations, as drawbacks on foreign goods, wares, and merchandise, entered for exportation, or entitled to a drawback, agreeably to “An act to regulate the collection of duties on imports and tonnage;” *mutatis mutandis*; and substituting the collector of internal duties for the collector of customs.

And the question thereon being taken, it was determined in the negative.

A motion was then made by Mr. KING, of Massachusetts, to insert, before the word “domestic,” in the fifth line of the second section, the words “foreign or,” and to strike out from the said second section, the following words:

For a still or stills employed in distilling spirits from foreign materials, for a license for the employment thereof, for and during the term of one month, twenty-five cents for every gallon of the capacity of every such still, including the head thereof; for a license for and during the term of three months, sixty cents for each gallon of its capacity as aforesaid; for a license for and during the terms of six months, one hundred and five cents, for each gallon of its capacity as aforesaid; for a license for one year, one hundred and thirty-five cents for each gallon of its capacity aforesaid.

And the question thereon being taken, it was determined in the negative—yeas 67, nays 83, as follows:

YEAS—Messrs. Archer, Beall, Bigelow, Boyd, Brigham, Burwell, Caperton, Champion, Cheves, Cooper, Cox, Creighton, Davenport, Davis of Massachusetts, Dewey, Ely, Geddes, Gloninger, Goldsborough, Hale, Hall, Howell, Hungerford, Jackson of Rhode Island, Kent of New York, Kent of Maryland, King of Massachusetts, Lovett, Macon, Markell, McLean, Miller, Moffitt, Moseley, Nelson, Oakley, Pearson, Pickering, Pitkin, Pleasants, Post, Potter, John Reed, William Reed, Richard, Richardson, Ruggles, Schureman, Seybert, Sheffey, Sherwood, Shipherd, Smith of New Hampshire, Smith of New York, Stockton, Stuart, Sturges, Taggart, Tallmadge, Vose, Ward of Massachusetts, Webster, Wheaton, White, Wilcox, Wilson of Massachusetts, and Wood.

NAYS—Messrs. Alexander, Alston, Anderson, Avery, Bard, Barnett, Bibb, Bowen, Bradley, Butler, Caldwell, Calhoun, Chappell, Clark, Clopton, Condict, Conard, Crawford, Davis of Pennsylvania, Dawson, Desha, Duvall, Earle, Evans, Farrow, Findley, Fisk

of Vermont, Fisk of New York, Forney, Franklin, Gholson, Glasgow, Goodwyn, Gourdin, Griffin, Grundy, Harris, Hawes, Hopkins of Kentucky, Hubbard, Hyneman, Ingersoll, Ingham, Irwin, Jackson of Virginia, Kennedy, Kerr, Kershaw, Kilbourn, King of North Carolina, Lefferts, Lewis, Lowndes, Lyle, McCoy, McKee, McKim, Moore, Murfree, Newton, Ormsby, Pickens, Piper, Rea of Pennsylvania, Rhea of Tennessee, Ringgold, Roane, Roberts, Robertson, Sevier, Sharp, Smith of Pennsylvania, Smith of Virginia, Stanford, Strong, Tannehill, Telfair, Troup, Ward of New Jersey, Whitehill, Wilson of Pennsylvania, Wright, and Yancey.

A motion was then made by Mr. BRADLEY further to amend the bill by adding to the second section the following proviso: *Provided*, That there shall be paid upon each still employed wholly on the distillation of roots, but one-half the rates of duties above mentioned, according to the capacity of such still. And the question thereon being taken, it passed in the affirmative—yeas 84, nays 74, as follows:

YEAS—Messrs. Alexander, Alston, Anderson, Avery, Barnett, Bibb, Bowen, Bradley, Butler, Caldwell, Calhoun, Chappell, Clopton, Comstock, Condict, Conard, Davis, of Pennsylvania, Denoyelles, Desha, Duvall, Earle, Evans, Farrow, Findley, Fisk of Vermont, Fisk of New York, Forney, Forsyth, Franklin, Gholson, Glasgow, Gloninger, Gourdin, Griffin, Grundy, Hall, Harris, Hasbrouck, Hawes, Ingersoll, Ingham, Jackson of Virginia, Kennedy, Kent of Maryland, Kerr, Kershaw, Kilbourn, King of Massachusetts, Lefferts, Lyle, McCoy, McKim, McLean, Moore, Murfree, Nelson, Newton, Parker, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rich, Roberts, Sevier, Sharp, Shipherd, Skinner, Smith of Pennsylvania, Smith of Virginia, Strong, Tannehill, Taylor, Telfair, Thompson, Troup, Vose, Webster, White, Whitehill, Wilson of Massachusetts, Wilson of Pennsylvania, Wright, and Yancey.

NAYS—Messrs. Archer, Bard, Baylies of Massachusetts, Beall, Bigelow, Bowers, Boyd, Bradbury, Breckenridge, Brigham, Burwell, Caperton, Champion, Cheves, Clark, Cox, Creighton, Culpeper, Davenport, Davis of Massachusetts, Dawson, Ely, Gaston, Geddes, Goldsborough, Goodwyn, Hopkins of Kentucky, Howell, Hufty, Hungerford, Hyneman, Irwin, Jackson of Rhode Island, Kent of New York, King of North Carolina, Lewis, Lovett, Lowndes, Markell, Macon, McKee, Miller, Moffitt, Moseley, Oakley, Ormsby, Pearson, Pickering, Pitkin, Post, Potter, John Reed, William Reed, Rhea of Tennessee, Ringgold, Roane, Robertson, Ruggles, Schureman, Seybert, Sheffey, Sherwood, Smith of New York, Stanford, Stockton, Sturges, Taggart, Tallmadge, Ward of Massachusetts, Ward of New Jersey, Wheaton, Wilcox, Winter, and Wood.

The bill was further amended; and a motion was made by Mr. KING to insert the following proviso to the end of the twenty-ninth line: *Provided*, That the Collector of Internal Duties be authorized to deduct, from the duty on stills employed in distilling spirits from molasses, the amount of duties paid on the molasses so distilled, on the exportation of said spirit within six months from distilling thereof, and in quantity, not less than one hundred gallons.

On motion of Mr. BIBB, the bill was then ordered to lie on the table.

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MONDAY, July 5.

Mr. FISK, of New York, presented a petition of sundry aliens, lately residing in the city of New York, and now remaining at Fishkill, in the State of New York, stating their intention to become citizens of the United States, having taken the preparatory steps; and praying permission to return to the city of New York for the purpose of pursuing their usual avocations, under such restrictions as Congress may think proper to prescribe.—Referred to the Committee on Foreign Relations.

The SPEAKER laid before the House a report from the Secretary of War on the petition of William Tatham, referred to him at the last session of Congress.—Laid on the table.

On motion of Mr. BENSON, the House proceeded to consider the resolution, submitted by him on the third instant, relative to an adjournment of Congress; and the same being again read, was concurred in by the House; and Mr. BENSON, Mr. GRUNDY, Mr. HYNEMAN, Mr. TELFAIR, and Mr. MCCOY, were appointed the committee on the part of this House.

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The House resumed the consideration of the bill laying duties on licenses to distillers of spirituous liquors.

The question recurred on the proviso proposed by Mr. KING, of Massachusetts, and depending on Saturday; on which Mr. KING withdrew the said proviso.

A motion was then made by Mr. PITKIN to recommit the bill to the Committee of Ways and Means, with instruction to report a section or sections allowing a drawback on the exportation of spirits distilled from foreign materials; and negatived—yeas 42, nays 108, as follows:

YEAS—Messrs. Baylies, of Massachusetts, Bigelow, Bowers, Boyd, Bradbury, Brigham, Champion, Cooper, Davenport, Davis of Massachusetts, Dewey, Ely, Howell, Jackson of Rhode Island, King of Massachusetts, Lovett, Markell, Moffit, Moseley, Oakley, Pickering, Pitkin, Post, Potter, John Reed, Ruggles, Sherwood, Schureman, Shipperd, Smith of New Hampshire, Smith of New York, Sturges, Tallmadge, Thompson, Vose, Ward of Massachusetts, Webster, Wilcox, Wilson of Massachusetts, Winter, and Wood.

NAYS—Messrs. Alexander, Alston, Anderson, Archer, Avery, Bard, Barnett, Beall, Bibb, Bowen, Breckenridge, Burwell, Butler, Caperton, Caldwell, Calhoun, Chappell, Cheves, Clark, Clopton, Comstock, Condict, Conard, Crawford, Creighton, Culpeper, Davis of Pennsylvania, Denoyelles, Desha, Duvall, Eppes, Evans, Findley, Fisk of Vermont, Fisk of New York, Forney, Forsyth, Franklin, Geddes, Gholson, Glasgow, Goldsborough, Goodwyn, Gourdin, Griffin, Grundy, Hall, Harris, Hasbrouck, Hopkins of Kentucky, Hubbard, Hufty, Hungerford, Hyneman, Ingersoll, Ingham, Irwin, Jackson of Virginia, Kennedy, Kent of New York, Kent of Maryland, Kerr, Kershaw, Kilbourn, King of North Carolina, Lefferts, Lowndes, Lyle, Macon, McCoy, McKee, McKim, McLean, Montgomery, Moore, Murfree, Nelson, Newton, Ormsby, Parker, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ringgold,

Roane, Roberts, Robertson, Sevier, Seybert, Sharp, Sheffey, Skinner, Smith of Pennsylvania, Smith of Virginia, Stanford, Strong, Tannehill, Taylor, Telfair, Troup, White, Whitehill, Wilson of Pennsylvania, Wright, and Yancey.

Mr. KING, of Massachusetts, then moved to recommit the bill to the Committee of Ways and Means, with instruction to equalize the duties on the stills employed in distilling from both foreign and domestic materials. Negatived.

The question was then taken that the bill be engrossed and read the third time, and passed in the affirmative—yeas 99, nays 51, as follows:

YEAS—Messrs. Alexander, Alston, Anderson, Archer, Avery, Barnett, Beall, Bibb, Bowen, Bradley, Burwell, Butler, Caldwell, Calhoun, Chappell, Cheves, Clark, Clopton, Comstock, Condict, Conard, Crawford, Creighton, Davis of Pennsylvania, Denoyelles, Duvall, Eppes, Evans, Findley, Fisk of Vermont, Fisk of New York, Forney, Forsyth, Franklin, Gholson, Glasgow, Goodwyn, Gourdin, Griffin, Grundy, Hall, Harris, Hasbrouck, Hawes, Hopkins of Kentucky, Hubbard, Hungerford, Hyneman, Ingersoll, Ingham, Irwin, Jackson of Virginia, Kennedy, Kent of Maryland, Kerr, Kershaw, Kilbourn, King of North Carolina, Lefferts, Lowndes, Lyle, Macon, McCoy, McKee, McKim, McLean, Montgomery, Moore, Murfree, Nelson, Newton, Ormsby, Parker, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ringgold, Roane, Roberts, Robertson, Sevier, Seybert, Sharp, Skinner, Smith of Pennsylvania, Smith of Virginia, Strong, Tannehill, Taylor, Telfair, Troup, Whitehill, Wilson of Pennsylvania, Wood, Wright, and Yancey.

NAYS—Messrs. Baylies of Mass., Bigelow, Bowers, Boyd, Bradbury, Breckenridge, Brigham, Caperton, Champion, Davenport, Davis of Massachusetts, Desha, Ely, Geddes, Gloninger, Goldsborough, Hale, Howell, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Lovett, Markell, Miller, Moffit, Moseley, Pickering, Pitkin, Post, Potter, John Reed, Ridgely, Ruggles, Schureman, Sheffey, Shipperd, Smith of New Hampshire, Smith of New York, Stanford, Sturges, Taggart, Tallmadge, Thompson, Vose, Ward of Massachusetts, Webster, Wheaton, White, Wilcox, Wilson of Massachusetts, and Winter.

The bill was then ordered to be read the third time to-morrow.

The House resolved itself into a Committee of the Whole on the tax bills. The bill to lay and collect a direct tax within the United States, was then taken up, and discussed, amended and reported to the House, and the Committee obtained leave to sit again, on the remaining bills.

The House then proceeded to consider the report of the Committee of the Whole on the direct tax bill; but adjourned before having gone through the same.

TUESDAY, July 6.

Mr. TROUP, from the Committee on Military Affairs, reported the bill from the Senate, "for the relief of infirm, disabled, and superannuated officers and soldiers of the late and of the present Army of the United States," without amendment; and the bill was committed to a Committee of the Whole.

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The engrossed bill to lay a duty on licenses to distillers of spirituous liquors, was read a third time.

[This bill proposes a duty on licenses to distillers, as follows: For the employment of a still or stills employed in distilling spirits from domestic materials; for two weeks, nine cents for each gallon of the capacity thereof, including the head; for one month, eighteen cents; for two months, thirty-two cents; for three months, forty-two cents; for four months, fifty-two cents; for six months, seventy cents; for one year, one hundred and eight cents for each gallon of its capacity as aforesaid. For a license for the employment of a still or stills in the distillation of spirits from foreign materials: for one month, twenty-five cents for each gallon of its capacity; for three months, sixty cents; for six months, one hundred and five cents; for one year, one hundred and thirty-five cents for each gallon of its capacity. And for every boiler, however constructed, employed in distilleries by steam, double the amount on each gallon of its capacity, which would be payable for said license if granted for the same terms and to employ the same materials for a still.]

The bill was passed, by the following vote:

YEAS—Messrs. Alexander, Alston, Anderson, Archer, Barnett, Beall, Bibb, Bowen, Brown, Burwell, Caldwell, Calhoun, Chappell, Cheves, Clopton, Comstock, Condict, Conard, Crawford, Creighton, Davis of Pennsylvania, Denoyelles, Duvall, Earle, Evans, Farrow, Findley, Fisk of New York, Forsyth, Franklin, Gholson, Glasgow, Goodwyn, Griffin, Grundy, Hall, Harris, Hasbrouck, Hawes, Hopkins of Kentucky, Hubbard, Hungerford, Hyneman, Ingham, Irwin, Jackson of Virginia, Kennedy, Kent of Maryland, Kerr, Kershaw, King of North Carolina, Leflerts, Lyle, Macon, McCoy, McKee, McKim, McLean, Moore, Murfree, Newton, Pickens, Piper, Pleasants, Rhea of Tennessee, Rich, Roane, Roberts, Robertson, Sevier, Skinner, Smith of Pennsylvania, Smith of Virginia, Strong, Tannehill, Taylor, Telfair, Troup, Ward of New Jersey, Whitehill, Wilson of Pennsylvania, Wood, Wright, and Yancey—85.

NAYS—Messrs. Baylies of Mass., Benson, Bowers, Bradbury, Breckenridge, Brigham, Champion, Cilley, Cox, Culpeper, Davenport, Desha, Ely, Gaston, Geddes, Howell, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Lovett, Markell, Moffit, Moseley, Oakley, Pearson, Pitkin, Post, Potter, John Reed, William Reed, Ruggles, Schureman, Shipherd, Smith of New Hampshire, Smith of New York, Stanford, Stockton, Sturges, Taggart, Tallmadge, Thompson, Vose, Ward of Massachusetts, Webster, Wheaton, White, Wilcox, and Winter—49.

The House proceeded to consider the amendments reported by the Committee of the whole House to the bill to lay and collect a direct tax within the United States.

And the said amendments being read, at the Clerk's table, a motion was made by Mr. FISK, of New York, to disagree to the amendment to strike out the words "one hundred and seventy thousand two hundred and seventy dollars," the sum proposed by the said bill to be levied and

collected within the city and county of New York: When, a motion was made by Mr. Post, that the bill be recommitted to the Committee of Ways and Means; and, the question being taken, it was determined in the negative.

The question was then taken on the motion of Mr. FISK, to disagree to the said amendment; and passed in the affirmative.

One other amendment proposed by the Committee of the whole House, was also disagreed to, and the residue of the said amendments were concurred in by the House.

A motion was then made by Mr. BURWELL further to amend the bill, by striking out therefrom that part which apportions the tax on the several counties of Virginia, and, in lieu thereof, to insert the following:

| "On the county of—" | | "On the county of—" | |
|---------------------|-----------|---------------------|--------------|
| Lee | \$347 50 | Chesterfield | \$6,440 50 |
| Washington | 1,894 50 | Pr. George | 2,988 50 |
| Grayson | 233 50 | Greenville | 2,635 50 |
| Russell | 1,336 00 | Sussex | 3,945 50 |
| Wythe | 1,538 50 | Southampton | 4,656 50 |
| Tazewell | 1,267 00 | Surry | 2,244 50 |
| Botetourt | 3,114 50 | Isle of Wight | 2,688 50 |
| Montgomery | 1,312 50 | Nansemond | 3,203 50 |
| Giles | 540 50 | Norfolk and | |
| Monroe | 1,030 50 | borough | 9,857 50 |
| Greenbriar | 1,706 50 | Princess Ann | 2,417 50 |
| Kanhawa | 2,167 50 | Elizabeth City | 839 50 |
| Cabell | 1,546 50 | Warwick | 855 50 |
| Mason | 1,130 50 | York | 1,373 50 |
| Randolph | 5,465 50 | James City | 1,525 50 |
| Harrison | 2,672 50 | New Kent | 2,687 50 |
| Wood | 1,338 50 | Charles City | 2,154 50 |
| Monongalia | 2,992 50 | Henrico | 8,050 50 |
| Ohio | 1,907 60 | Goochland | 4,555 50 |
| Brooke | 1,195 50 | Hanover | 6,049 50 |
| Bath | 2,305 50 | Amherst and | |
| Pendleton | 1,428 50 | Nelson | 9,513 00 |
| Hardy | 2,126 50 | Albemarle | 9,497 50 |
| Hampshire | 3,795 50 | Fluvanna | 2,131 50 |
| Rockbridge | 3,391 50 | Orange | 5,206 50 |
| Augusta | 6,739 50 | Madison | 4,247 50 |
| Rockingham | 6,162 50 | Culpeper | 8,692 50 |
| Shenandoah | 5,978 50 | Fauquier | 8,940 50 |
| Frederick | 11,876 50 | Pr. William | 5,251 50 |
| Berkley and | | Stafford | 3,579 50 |
| Jefferson | 13,022 50 | Loudon | 8,130 50 |
| Bedford | 5,233 50 | Fairfax | 6,354 50 |
| Patrick | 770 50 | Spottsylvania | 6,262 50 |
| Henry | 1,304 50 | Louisa | 4,425 50 |
| Franklin | 2,004 50 | Caroline | 7,104 50 |
| Campbell | 3,852 50 | King George | 2,736 50 |
| Charlotte | 3,090 50 | Westmorel'd | 3,514 50 |
| Pittsylvania | 4,363 50 | Richmond | 2,624 50 |
| Halifax | 6,786 50 | Northumber'd | 3,016 50 |
| Mecklenburg | 6,866 50 | Lancaster | 1,954 50 |
| Lunenburg | 3,821 50 | King William | 3,454 50 |
| Brunswick | 4,879 50 | King & Queen | 2,860 50 |
| Nottaway | 4,322 50 | Essex | 3,336 50 |
| Pr. Edward | 4,414 50 | Middlesex | 1,941 50 |
| Buckingham | 5,741 50 | Gloucester | 3,397 50 |
| Cumberland | 4,715 50 | Matthews | 1,611 50 |
| Amelia | 5,002 50 | Accomac | 5,139 50 |
| Powhatan | 3,899 50 | Northampton | 3,107 50 |
| Dinwiddie & | | | |
| town of Pe- | | T'otal | \$361,037 50 |
| tersburg | 8,192 50 | | |

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And the question thereon being taken, it was determined in the affirmative—yeas 87, nays 50, as follows:

YEAS—Messrs. Alexander, Alston, Anderson, Bard, Barnett, Beall, Bibb, Bowen, Breckenridge, Burwell, Butler, Caperton, Caldwell, Calhoun, Chappell, Cheves, Clark, Clopton, Condict, Conard, Cox, Crawford, Culpeper, Denoyelles, Desha, Earle, Findley, Forney, Franklin, Gholson, Gloninger, Goodwyn, Gourdin, Griffin, Grundy, Hall, Harris, Hasbrouck, Hubbard, Hyneman, Ingersoll, Ingham, Irwin, Jackson of Virginia, Kennedy, Kent of Maryland, Kershaw, Kilbourn, King of North Carolina, Lefferts, Lowndes, Lyle, Macon, McKim, McLean, Miller, Moore, Murfree, Newton, Parker, Pearson, Pickens, Piper, Pleasants, Post, Potter, Rea of Pennsylvania, Rich, Roane, Roberts, Robertson, Schureman, Sevier, Seybert, Sharp, Sheffield, Sherwood, Shipherd, Skinner, Smith of Pennsylvania, Stanford, Tallmadge, Tannehill, Thompson, Troup, Webster, and Yancey.

NAYS—Messrs. Baylies of Massachusetts, Bigelow, Boyd, Bradbury, Brigham, Champion, Cilley, Cooper, Davenport, Davis of Massachusetts, Ely, Fisk of New York, Geddes, Glasgow, Grosvenor, Hawes, Howell, Hungerford, Kent of New York, Kerr, King of Massachusetts, Lewis, Lovett, McCoy, Moffitt, Montgomery, Moseley, Oakley, Pickering, Pitkin, John Reed, William Reed, Ruggles, Sage, Smith of New Hampshire, Smith of New York, Smith of Virginia, Stuart, Sturges, Taggart, Taylor, Vose, Ward, of Massachusetts, Wheaton, White, Whitehill, Wilcox, Wilson of Massachusetts, Wilson of Pennsylvania, and Winter.

A motion was then made, by Mr. PITKIN, further to amend the bill by striking out the following:

“Which several quotas on the counties of the State of Ohio, are exclusively of the taxes on lands lying in the said counties, respectively, and owned by persons not residing in the State.”

“And on lands owned by persons not residing in the State, \$61,529 91.”

And the question thereon being taken, it was determined in the negative—yeas 62, nays 81, as follows:

YEAS—Messrs. Baylies of Massachusetts, Benson, Bigelow, Bradbury, Breckenridge, Brigham, Caperton, Champion, Cheves, Cilley, Clark, Cooper, Cox, Culpeper, Davenport, Davis of Massachusetts, Davis of Pennsylvania, Dewey, Duvall, Ely, Geddes, Grosvenor, Hale, Howell, Hufty, Hungerford, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Lewis, Lovett, Macon, Markell, Miller, Montgomery, Moseley, Oakley, Pearson, Pickering, Pitkin, Post, Potter, John Reed, Wm. Reed, Ridgely, Schureman, Sheffield, Sherwood, Shipherd, Smith of N. York, Stockton, Sturges, Tallmadge, Taylor, Vose, Ward of New Jersey, Webster, Wheaton, White, Wilcox, Wilson of Massachusetts, and Winter.

NAYS—Messrs. Alexander, Alston, Anderson, Avery, Bard, Barnett, Beall, Bibb, Bowen, Boyd, Butler, Caldwell, Calhoun, Chappell, Clopton, Comstock, Condict, Conard, Crawford, Creighton, Denoyelles, Desha, Earle, Farrow, Fisk of Vermont, Forney, Forsyth, Franklin, Gholson, Goodwyn, Gourdin, Griffin, Grundy, Hall, Harris, Hawes, Hopkins of Kentucky, Hubbard, Hyneman, Ingham, Irwin, Jackson of Virginia, Kennedy, Kent of Maryland, Kerr, Kershaw, Kilbourn, King of N. Carolina, Lefferts, Lowndes, Lyle, McCoy,

McKee, McKim, McLean, Moore, Murfree, Nelson, Newton, Ormsby, Parker, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Roane, Roberts, Robertson, Sage, Seybert, Sharp, Smith of Virginia, Stanford, Strong, Telfair, Whitehill, Wilson of Pennsylvania, Wright, and Yancey.

And the House adjourned.

WEDNESDAY, July 7.

Mr. BENSON presented a petition of Benjamin B. Blydenburgh and Peter A. Jay, complaining of the undue election and return of Ebenezer Sage and John Lefferts, as two of the members from the State of New York, and praying to be admitted to seats in the House in place of the said Sage and Lefferts.—Referred to the Committee of Elections.

Mr. MCKEE, from the Committee on the Public Lands, reported a bill giving further time for registering claims to lands in the late district of Arkansas, in the Territory of Missouri; which was read twice and committed to a Committee of the Whole on Monday next.

On motion of Mr. MCKEE, the Committee on the Public Lands were discharged from the consideration of such petitions and other subjects referred to them, upon which no report has been made.

A message from the Senate informed the House that the Senate have passed the bill “to incorporate a company for making a certain turnpike road in the county of Washington, in the District of Columbia,” with amendments; also, a bill “to incorporate a company for making a certain turnpike road in the county of Alexandria, in the District of Columbia,” also with amendment; in which amendments they desire the concurrence of this House.

The amendments were then severally read, and concurred in.

Mr. CALHOUN, from the Committee on Foreign Relations, reported the bill from the Senate, “supplementary to the acts heretofore passed upon the subject of an uniform rule of naturalization,” with amendments; which were read, and, with the bill, committed to a Committee of the Whole on Friday next.

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The House resumed the consideration of the bill to lay and collect a direct tax within the United States.

A motion was made by Mr. HARRIS, further to amend the bill, by adding to the end of the 499th line of the second section, the following proviso:

Provided, That, so far as respects the State of Tennessee, the principal assessors, respectively, within twenty days after they shall have finished hearing appeals, shall not proceed to make out lists containing the sums payable according to the assessments upon every object of taxation, as is required by the 15th section of “An act for the assessment and collection of direct taxes and internal duties,” but shall, within that time, make out and cause to be transmitted to the principal assessor of the fifth district at Nashville, in said State,

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a true and perfect copy of the assessments made in each county in his assessment district: *And provided*, That, if there be no failure, either on the part of the assistant assessors in making their returns, or on the part of the principal assessors in causing copies to be transmitted as aforesaid, the said principal assessor of the fifth district shall immediately proceed to ascertain the quota of each county in the State, by making it bear the same proportion to the whole quota of the State as the assessed value of the property subject to the direct tax in each county bears to the assessed value of the property subject to said tax in the whole State; which apportionment shall be adopted and taken by said State, instead of the one hereinbefore provided. And the principal assessor of the fifth district, having thus made the apportionment, shall proceed to make out lists in conformity with the provisions of the aforesaid 15th section of the before recited act, and these provisoes, and shall immediately transmit a copy thereof to each principal collector within the State.

Mr. POST moved to amend the amendment by inserting the word "New York," after the word "Tennessee." And the question thereon being taken, it passed in the affirmative.

On motion of Mr. PITKIN, the said amendment was further amended by inserting the word "Connecticut," after "New York."

On motion of Mr. BRADLEY, the said amendment was further amended by inserting the word "Vermont."

On motion of Mr. WARD, of Massachusetts, the said amendment was further amended by inserting the word "Massachusetts."

On motion of Mr. MCCOY, the said amendment was further amended by inserting the word "Virginia."

On motion of Mr. STOCKTON, the said amendment was further amended by inserting the word "New Jersey."

On motion of Mr. FORNEY, the said amendment was further amended by inserting the word "North Carolina."

On motion of Mr. CHEVES, the said amendment was further amended by inserting the word "South Carolina."

The previous question was called for by Mr. GHOLSON, and being demanded by a majority of the members present, it was taken in the form prescribed by the rules of the House, to wit: "Shall the main question be now put?" and passed in the affirmative—yeas 83, nays 78, as follows:

YEAS—Messrs. Alexander, Alston, Anderson, Archer, Avery, Bard, Barnett, Beall, Bibb, Butler, Caldwell, Calhoun, Chappell, Cheves, Clark, Copton, Comstock, Condict, Conard, Crawford, Creighton, Davis of Pa., Denoyelles, Desha, Duvall, Earle, Evans, Farrow, Findley, Fisk of Vermont, Forney, Forsyth, Gholson, Goodwyn, Gourdin, Griffin, Grundy, Hall, Hopkins of Kentucky, Hyneman, Ingersoll, Ingham, Irwin, Jackson of Virginia, Kennedy, Kerr, Kershaw, Kilbourn, King of North Carolina, Lelferts, Lowndes, Lyle, McCoy, McKim, McLean, Moore, Nelson, Newton, Ormsby, Parker, Pickens, Piper, Pleasants, Rea of Pa., Rich, Richardson, Ringgold, Roane, Roberts, Robertson, Sevier, Seybert, Smith of Pennsylvania, Smith of Virginia, Strong, Tannehill, Taylor, Telfair, Troup,

Ward of New Jersey, Whitehill, Wilson of Pennsylvania, and Yancey.

NAYS—Messrs. Baylies of Massachusetts, Benson, Bowen, Boyd, Bradbury, Bradley, Breckenridge, Brigham, Burwell, Caperton, Champion, Cilley, Cooper, Cox, Culpeper, Davenport, Davis of Massachusetts, Dewey, Ely, Franklin, Gaston, Geddes, Gloninger, Goldsborough, Grosvenor, Hale, Hanson, Harris, Hasbrouck, Hawes, Howell, Hubbard, Hufty, Humphreys, Hungerford, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Lewis, Lovett, Markell, McKee, Miller, Moffitt, Montgomery, Moseley, Murfree, Oakley, Pearson, Pickering, Pitkin, Post, Potter, John Reed, Rhea of Tennessee, Ruggles, Schureman, Sharp, Sheffield, Sherwood, Shipperd, Skinner, Smith of New York, Stanford, Stockton, Stuart, Sturges, Tallmadge, Vose, Ward of Massachusetts, Webster, Wheaton, White, Wilcox, Wilson of Massachusetts, Winter, Wood, and Wright.

A motion was then made by Mr. PITKIN, further to amend the bill by inserting the foregoing proviso, proposed by Mr. HARRIS, with all the amendments which had been made thereto by the House, after the 499th line of the second section.

The SPEAKER decided it to be out of order, as the House have determined that the main question shall now be put; which main question is, "Shall the bill be engrossed and read the third time?" which puts aside the amendment proposed, and precludes further amendment.

From which decision of the Speaker, Mr. PITKIN appealed to the House.

The question was then taken, "Is the decision of the Chair correct?" and passed in the affirmative—yeas, 98, nays 68, as follows:

YEAS—Messrs. Alexander, Alston, Anderson, Archer, Avery, Bard, Barnett, Beall, Bibb, Bowen, Brown, Burwell, Butler, Caldwell, Calhoun, Chappell, Cheves, Clark, Clopton, Comstock, Condict, Conard, Crawford, Creighton, Davis of Pennsylvania, Denoyelles, Desha, Duvall, Earle, Evans, Farrow, Findley, Fisk of Vermont, Fisk of New York, Forney, Forsyth, Franklin, Gholson, Goodwyn, Gourdin, Griffin, Grosvenor, Grundy, Hall, Harris, Hawes, Hopkins of Kentucky, Hubbard, Humphreys, Hyneman, Ingersoll, Ingham, Irwin, Jackson of Va., Kennedy, Kerr, Kershaw, Kilbourn, King of North Carolina, Lowndes, Lyle, McCoy, McKim, McLean, Moore, Murfree, Nelson, Newton, Ormsby, Parker, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Richardson, Ringgold, Roane, Roberts, Robertson, Sage, Sevier, Seybert, Sharp, Smith of Pennsylvania, Smith of Virginia, Strong, Tannehill, Taylor, Telfair, Troup, Ward of New Jersey, Whitehill, Wilson of Pennsylvania, Wood, and Yancey.

NAYS—Messrs. Baylies of Massachusetts, Benson, Bigelow, Bowers, Boyd, Bradbury, Breckenridge, Brigham, Champion, Cilley, Cooper, Cox, Culpeper, Davenport, Davis, of Mass., Dewey, Ely, Gaston, Geddes, Gloninger, Goldsborough, Hale, Hanson, Howell, Hungerford, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Lewis, Lovett, Markell, McKee, Miller, Moffitt, Montgomery, Moseley, Oakley, Pearson, Pickering, Pitkin, Post, Potter, John Reed, William Reed, Ridgely, Ruggles, Schureman, Sheffield, Sherwood, Shipperd, Smith of New Hampshire, Smith of New York, Stanford, Stockton, Stuart, Sturges,

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Taggart, Tallmadge, Thompson, Vose, Ward of Massachusetts, Webster, Wheaton, White, Wilcox, Wilson of Massachusetts, Winton, and Wright.

The said main question was then taken, to wit: "Shall the said bill be engrossed, and read the third time?" And passed in the affirmative—yeas 96, nays 73, as follows:

YEAS—Messrs. Alexander, Alston, Anderson, Archer, Avery, Bard, Barnett, Beall, Bibb, Bowen, Brown, Burwell, Caldwell, Calhoun, Chappell, Cheves, Clark, Clopton, Comstock, Condict, Conard, Crawford, Creighton, Davis of Pennsylvania, Denoyelles, Desha, Duvall, Earle, Evans, Farrow, Findley, Fisk of Vermont, Fisk of New York, Forney, Forsyth, Franklin, Gholson Gloninger, Goodwyn, Gourdin, Griffin, Grundy, Hall, Harris, Hawes, Hopkins of Kentucky, Humphreys, Hungerford, Hyneman, Ingersoll, Ingham, Irwin, Jackson of Virginia, Kerr, Kershaw, Kilbourn, King of North Carolina, Lefferts, Lowndes, Lyle, McCoy, McKee, McKim, McLean, Montgomery, Moore, Murfree, Nelson, Newton, Ormsby, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ringgold, Roane, Roberts, Robertson, Sage, Sevier, Seybert, Sharp, Smith of Pennsylvania, Smith of Virginia, Tannehill, Taylor, Telfair, Troup, Ward of New Jersey, Whitehill, Wilson of Pennsylvania, Wood, Wright, and Yancey.

NAYS—Messrs. Baylies of Mass., Benson, Bigelow, Bowers, Boyd, Bradbury, Bradley, Breckenridge, Brigham, Butler, Caperton, Champion, Ciley, Cooper, Cox, Culpeper, Davenport, Davis of Massachusetts, Dewey, Ely, Gaston, Geddes, Goldsborough, Grosvenor, Hale, Hasbrouck, Howell, Hubbard, Hufty, Jackson of Rhode Island, Kennedy, Kent of New York, King of Massachusetts, Lewis, Lovett, Markell, Miller, Moffitt, Moseley, Oakley, Parker, Pearson, Pickering, Pitkin, Post, Potter, John Reed, William Reed, Richardson, Ridgely, Ruggles, Schureman, Shoffey, Sherwood, Shipherd, Skinner, Smith of New Hampshire, Smith of New York, Stanford, Stockton, Strong, Stuart, Sturges, Taggart, Tallmadge, Thompson, Vose, Webster, Wheaton, White, Wilcox, Wilson of Massachusetts, and Winton.

The bill was then ordered to be read the third time to-morrow.

The House again resolved itself into a Committee of the Whole, to whom was committed the bill for the assessment and collection of direct taxes and internal duties, and on the several bills committed to the said Committee of the Whole; and, after some time spent therein, the Committee rose, and reported the bill to establish the office of Commissioner of the Revenue, with amendments; and also, the bill laying duties on sugar refined within the United States, with amendments; and also, the bill laying duties on sales at auction of merchandise, and of ships and vessels, with amendments; and asked leave to sit again on the other subjects referred to them; which was granted.

The amendments reported to the bill to establish the office of Commissioner of the Revenue, were concurred in by the House, and the bill was ordered to be engrossed, and read the third time to-morrow.

The amendments reported to the bill laying duties on sugar refined within the United States,

were concurred in by the House, except the amendment to the end of the third section, which was disagreed to; and the bill was ordered to be engrossed, and read the third time to-morrow.

The amendments reported to the bill laying duties on sales at auction of merchandise, and of ships or vessels, were concurred in by the House. The bill was then further amended, and ordered to be engrossed, and read the third time to-morrow.

THURSDAY, July 8.

A message from the Senate informed the House that the Senate have passed a bill "making an appropriation for finishing the Senate Chamber, and repairing the roof of the north wing of the Capitol;" also, a bill "providing for the further defence of the ports and harbors of the United States;" also, a bill "for the relief of the owners of the ships called the Good Friends, the Amazon, and the United States, and their cargoes;" in which bills they desire the concurrence of this House.

ARMING THE MILITIA.

Mr. TROUP, from the Military Committee, who were directed to inquire into the expediency of amending the laws for arming the whole body of the Militia, so far as respects the distribution of the arms, made a report of considerable length, stating generally, as the opinion of the committee, that it will be inexpedient to make any amendment to the said acts. This report was read, and ordered to lie on the table. It is as follows:

That the funds appropriated by the act of 23d April, for arming the whole body of the Militia, amounted, on the 23d day of April last, to one million of dollars; that, of this sum, ninety-four thousand seven hundred and ninety-two dollars have been actually expended; and that the whole number of arms procured, up to this day, amounts to 34,477 stands, all derived under contracts of supply; that of these the following disposition has been made, viz:

| | | | | |
|--------------------|---|---|---|-------|
| New Hampshire | - | - | - | 1,000 |
| Vermont | - | - | - | 2,500 |
| Rhode Island | - | - | - | 1,000 |
| New Jersey | - | - | - | 1,000 |
| Delaware | - | - | - | 500 |
| North Carolina | - | - | - | 2,130 |
| South Carolina | - | - | - | 2,000 |
| Georgia | - | - | - | 1,000 |
| Ohio | - | - | - | 1,500 |
| Kentucky | - | - | - | 1,500 |
| Tennessee | - | - | - | 1,500 |
| Illinois Territory | - | - | - | 218 |
| Louisiana | - | - | - | 250 |

Since the 24th December, 1812.

| | | | | |
|-------------|---|---|---|-------|
| Connecticut | - | - | - | 5,000 |
| New York | - | - | - | 2,000 |
| Maryland | - | - | - | 1,500 |
| Louisiana | - | - | - | 1,500 |

Before the 24th December, 1812.

| | | | | |
|----------------------|---|---|---|-------|
| Ohio | - | - | - | 1,500 |
| District of Columbia | - | - | - | 2,200 |

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Making an aggregate of 26,000 stands delivered, and leaving a balance of 8,477 stands, subject to future distribution.

That the aforesaid distribution has been made in virtue of the authority conferred by the third section of the act of April, 1808, which is as follows: "That all the arms procured in virtue of this act, shall be transmitted to the several States composing this Union, and Territories thereof, to each State and Territory, respectively, in proportion to the number of effective militia in each State and Territory; and by each State and Territory to be distributed to the militia in such State and Territory, under such rules and regulations as shall be by law prescribed by the Legislature of each State and Territory."

The language of this section is clear, and admits of but one construction; the proportion to which each State is entitled is secured by it; each State having contributed its just proportion of money to the purchase, each State is entitled to receive its just proportion of arms. "Shall be transmitted to each State and Territory, respectively, in proportion to the number of effective militia in each State and Territory." *Transmitted.* When? "At such time as the Executive may deem proper." This is the only construction, in the opinion of your committee, of which the language of the section is susceptible. If the intention of the Legislature had been to bind the Executive to a *simultaneous* or *periodical* transmission, the language of the section would have been different: "shall be transmitted *at the same time*," or "shall be transmitted *annually*, or *biennially*, or *triennially*," would have been the language of the Legislature. The time of transmission not being specified, therefore, but left, as your committee conclude, to a sound Executive discretion, the question is, whether any alteration in the act of April, 1808, be, in this respect, expedient?

In legislation it is extremely difficult, and frequently impossible, to foresee all the exigencies which may arise under a particular act, and, consequently, extremely difficult, and frequently impossible, to make adequate provision for them. In some cases, even the Legislature foreseeing a possible exigency, it would be unwise to anticipate and provide for it by the *express letter* of the law. Would it become the Legislature of the Union, for instance, to anticipate the rebellion of a State against the authority of the United States, and to enact that "no State, in actual rebellion against the United States, should be entitled to receive its proportion of arms?" Your committee presume not. A legislation of this character would, to say nothing of the violence it would offer to the enlightened sensibility of the National Legislature, be the means, when frequently indulged, of bringing about that very state of things which cannot be thought of without horror, and which ought not to be spoken of at all. In every act of legislation, therefore, something must be left to implication; something must be left to discretion. But there are other considerations which, in the opinion of your committee, justify the discretion as to the *time of transmission*.

A war unexpectedly breaks out; a particular section is exposed to the assaults of the enemy; that section is destitute of arms; shall the enemy be suffered to advance, to lay waste with fire and sword, because the President is bound by the letter of the law so to distribute the arms as that each State shall, *at the same time*, receive a proportion exactly equal to the number of its effective militia! No, would be the exclamation

from one end of the Union to the other; let the *safety* of a *part* be consulted, though the whole suffer inconvenience. Yet, were such the letter of the law, the Executive would, under any circumstances, be bound to respect it. The act of the 23d of April, 1808, was passed in a season of profound peace; contemplating future wars, it looked to no particular war; it had just gone into operation, had scarcely developed its first fruits, when the present war broke out. The war found the militia badly armed; it found particular portions of them worse armed and more exposed than others. Would it have been wise, under these circumstances, to distribute 30,000 stands of arms *equally* among 800,000 militia? Or would it have been wiser to consult the *wants* and *exposure* of particular portions?

But suppose it were expedient, in the opinion of your committee, to define with precision the time of transmission; what period ought to be selected? If a yearly, or biennial, or triennial distribution, were adopted, it might happen, by casualty or accident, that, within the period limited, no arms were received, or so few, that the expense and trouble of distribution would exceed the expense of manufacture; and what would the distribution of a dozen or an hundred stands of arms avail the militia of a great State? They would be lost in the transmission, or suffered by the States to lie neglected and forgotten. In the distribution by the States themselves, among their own militia, it is more than probable they would be governed by the same principle as that by which the recent disposition by the United States has seemed to be regulated. Would a State having one thousand companies of militia so scrupulously consult the principle of equality, in the distribution of one thousand stand of arms, as to give one musket and bayonet to each *company*? It may fairly be presumed not; the *wants*, the *frontier position*, and the *exposure* of particular parts of the State, would be much more likely to regulate the distribution: those of the militia, to be sure, from whom, for the moment, they were withheld, might complain of a departure from the principle of exact equality; but with what concern would the Legislative body of such State regard such complaints?

For these, and various other reasons, which might be adduced, but with which your committee forbear to trouble the House, they are of opinion that, for the present at least, the act of April, 1808, requires no alterations. They are the more confirmed in this opinion, because they have reason to believe that there has been no misconstruction of the law; that the seeming irregularity which has taken place has grown out of the exigency of the times; that a disposition exists to correct such irregularity, as soon as circumstances will admit; that the correction is, in fact, at this moment proceeding; that, in due time, all the States must and will receive their respective proportions of arms; and, in fine, that the immediate representatives of the people in Congress, inspecting, as they do, with never-ceasing vigilance, the execution of this, as well as every other law, stand ready to apply the remedy whenever right, or justice, or expediency, shall seem to them to demand it.

COMMITTEE ROOM, June 30, 1813.

SIR: I am directed, by the Committee on Military Affairs, to whom has been referred a resolution instructing them to inquire what alterations are necessary in the act of the 23d of April, 1808, providing for the

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arming the whole body of the militia of the United States, to ask information on the following points, viz:

1st. What number of arms have been received by the United States since the 24th day of December, 1812, under contracts or purchases, for carrying into effect the aforesaid act of the 23d April, 1808?

2d. Whether, since the 24th day of December, 1812, any further disposition has been made of the arms acquired under the act of 23d April, 1808, and, if any further disposition, to what amount, to what States and Territories, and the number to each, respectively?

3d. By what authority eight thousand one hundred stand of arms have been, as appears by a report from your Department, made to the House of Representatives 24th December, 1812, loaned to several States and Territories, and whether the arms so loaned were arms acquired under the authority of the aforesaid act of the 23d of April, 1808?

Or any other information in possession of your Department touching the distribution of arms acquired under the act of 1808, and which will enable the committee to comply with the instruction of the House.

WAR DEPARTMENT, July 6, 1813.

SIR: In reply to the note you did me the honor to write to me on the 30th ultimo, I beg leave to state, that two thousand eight hundred and thirty-seven stands of arms have been received into the public stores since December, 1812, under contracts made pursuant to law; and that deliveries of arms, since that period, to the amount of seven thousand stands, have been made, as follows, viz:

- 2,000 to the State of Connecticut.
- 2,000 to the State of New York.
- 1,500 to the State of Maryland.
- 1,500 to the State of Louisiana.

The arms stated in the report of December last to have been *loaned*, were, in part, acquired under the act of the 23d of April, 1808, viz:

1,500 delivered to Major General Wadsworth, of Ohio; and,

2,200 to the District of Columbia. And are considered as furnished under that law. In the former of these cases, the exigence growing out of the surrender of General Hull did not leave to this Department time for the employment of the customary form of getting the receipt of the Governor. The balance of loaned arms (2,900) was not acquired under the aforesaid act.

Accept, sir, the assurance of my very high respect,
JOHN ARMSTRONG.

Hon. Mr. TROUP.

REMONSTRANCE OF MASSACHUSETTS.

Mr. FISK, of Vermont, said, that he had hoped that some other gentleman than himself would have moved to take up the memorial now lying on the table from the Legislature of Massachusetts. That paper contained statements highly important to the interests and character of the nation. If they were true, the people ought to know it; if false, they ought to be refuted. Divisions, Mr. F. said, prevailed in Republics, that is, in all free Governments, at all seasons, but particularly in times of war. There existed now a considerable degree of uneasiness in the Eastern section of the Union, which this remonstrance was not calculated to assuage. There was a great thirst for correct information, which this

remonstrance was not calculated to satisfy. Because he was willing that the people should be correctly informed, and that the misrepresentations in the memorial should be corrected, he moved that the House now proceed to a consideration of the remonstrance, with a view to refer it to a select committee, to report thereon.

The question on taking up the memorial was decided in the affirmative—yeas 97, nays 58, as follows:

YEAS—Messrs. Alexander, Alston, Archer, Avery, Bard, Barnett, Baylies of Massachusetts, Bibb, Bigelow, Bowen, Bradbury, Bradley, Breckenridge, Brigham, Butler, Caperton, Caldwell, Cilley, Clopton, Comstock, Condict, Crawford, Culpeper, Davenport, Davis of Massachusetts, Davis of Pennsylvania, Denoyelles, Dewey, Ely, Findley, Fisk of Vermont, Franklin, Goddes, Glasgow, Goldsborough, Goodwyn, Griffin, Grosvenor, Grundy, Hale, Hall, Hanson, Hasbrouck, Hubbard, Humphreys, Hungerford, Ingersoll, Irwin, Kent of New York, Kilbourn, King of Massachusetts, Lefferts, Lewis, Lovett, Lyle, Macon, McCoy, McKim, McLean, Moseley, Nelson, Newton, Oakley, Ormsby, Parker, Pickering, Pitkin, John Reed, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ringgold, Roane, Ruggles, Sevier, Sharp, Sherwood, Shipherd, Skinner, Smith of New Hampshire, Smith of New York, Smith of Virginia, Stanford, Strong, Stuart, Taggart, Tallmadge, Tannehill, Taylor, Thompson, Troup, Vose, Ward of Massachusetts, Ward of New Jersey, Wheaton, Wilcox, Wilson of Massachusetts, and Wood.

NAYS—Messrs. Beall, Benson, Boyd, Burwell, Calhoun, Chappell, Cheves, Clark, Conard, Cox, Creighton, Desha, Duvall, Earle, Evans, Farrow, Forney, Gaston, Gholson, Gourdin, Harris, Hawes, Hopkins of Kentucky, Howell, Hufty, Hyneman, Ingham, Jackson of Rhode Island, Kennedy, Kent of Maryland, Kerr, Kershaw, King of North Carolina, Lowndes, Markell, McKee, Miller, Moore, Murfree, Pickins, Piper, Pleasants, Post, Potter, Ridgely, Roberts, Robertson, Sage, Schureman, Seybert, Sheffield, Stockton, Sturges, Telfair, Whitehill, Wilson of Pennsylvania, Wright, and Yancey.

Mr. FISK, of Vermont, then moved to refer it to a select committee.

Mr. ROBERTSON moved to amend the motion so as to except from the general reference so much as relates to the admission of Louisiana into the Union.

Mr. FISK agreed to modify his motion so as to incorporate that of the gentleman from Louisiana.

Mr. KING, of North Carolina, moved to postpone the further consideration of this subject to the 1st Monday in December next.

Mr. MURFREE moved that it lie on the table.

On these several motions a debate of about two hours took place. Those who advocated a reference of the memorial to a select committee, did it on the ground that its misstatements of fact and its false reasoning merited refutation, which would be an easy task, and was due to the official and formal nature of this production. It was opposed by gentlemen of both parties, on the ground that the discussion of such a report as might be expected to be made on this memorial would occupy too much time, and protract a session which

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ought soon to draw to a close; and it was opposed also by some gentlemen as being inconsistent with the dignity of this House to enter into a mere political disputation with the Legislature of Massachusetts, or of any other State.

The question to lay this memorial on the table was in the end negatived—yeas 48; and the postponement to December next agreed to by a large majority.

THE WAYS AND MEANS.

The bill for laying and collecting a direct tax within the United States was read a third time.

[This bill proposes to lay upon the United States a direct tax to the amount of three millions of dollars, apportioned to the States respectively, as follows:

| | | | | |
|----------------|---|---|----------|----|
| New Hampshire | - | - | \$96,793 | 37 |
| Massachusetts | - | - | 316,272 | 98 |
| Rhode Island | - | - | 34,772 | 18 |
| Connecticut | - | - | 118,167 | 71 |
| Vermont | - | - | 98,343 | 71 |
| New York | - | - | 430,141 | 62 |
| New Jersey | - | - | 108,871 | 83 |
| Pennsylvania | - | - | 365,479 | 16 |
| Delaware | - | - | 32,046 | 25 |
| Maryland | - | - | 151,623 | 94 |
| Virginia | - | - | 369,018 | 44 |
| Kentucky | - | - | 169,928 | 76 |
| Ohio | - | - | 104,150 | 14 |
| North Carolina | - | - | 220,238 | 28 |
| Tennessee | - | - | 110,086 | 55 |
| South Carolina | - | - | 161,905 | 48 |
| Georgia | - | - | 94,936 | 49 |
| Louisiana | - | - | 28,295 | 11 |

The bill also apportions the quota of each State among the counties in said State. Each State may, prior to the 1st day of April, vary, by an act of its Legislature, the respective quotas imposed by this act on its several counties or districts, so as more equally and equitably to apportion the tax hereby imposed. Each State may pay its quota into the Treasury of the United States, and thereon shall be entitled to a deduction of fifteen per centum, if paid before the first day of March, 1814, and of ten per centum if paid before the first day of May in the same year, &c.]

Mr. POST moved to recommit the bill to the Committee of Ways and Means. His view was to obtain a different apportionment of the tax in the State of New York.

The question on this motion was decided in the negative by yeas and nays, as follows: For recommitment, 54; against it, 100.

Mr. WHEATON then moved to postpone the bill to the first Monday in December next, for reasons which he assigned.

The motion was decided in the negative by nearly the same majority as on the last vote.

The question was then stated on the passage of the bill.

Mr. BRIGHAM.—I will ask the indulgence of the House, while I make a few remarks on the question now under consideration; and assign some reasons for the vote which I shall give on this bill. Sir, there is an importance and consequence in this direct tax, which will affect, not only my constituents, but the people of the United States, very sensibly. The object of this bill is,

to take from the pockets of our constituents the profits of their industry, to the amount of three millions of dollars, to enable the constituted authorities to prosecute the war more rapidly, that is, to conquer and take the Canadas with more despatch.

Sir, the war in which the country is involved, has lost its popularity, if it ever had any, by the constant defeats and disasters which have attended it. I have uniformly been opposed to the war, and, of course, am opposed to this tax, and to all the measures which have for their object the continuance of it.

Sir, I was not an accessary before the fact, nor shall I be an accessary after the fact; the people, I know, are anxious for peace, and are opposed to the taxes for the continuance of the war. Some have flattered themselves that Congress, at the present session, would do something to facilitate and hasten the restoration of peace, but those will be disappointed; instead of peace, they must have taxes. Sir, we are not assembled to congratulate each other on the return of peace; no, we are assembled under an act of the 12th Congress, who declared war, and to do their work, a work which they dare not do, or did not choose to do—to tax the whole world—that is, to lay this whole community under contribution, to enable the constituted authorities to prosecute an unpromising and hopeless war; and now we, who are recently intrusted with the welfare and the peace of this great commonwealth, are called on to impose a heavy tax on this people, and to augment the miseries and increase the burdens of our constituents to satisfy the immense exigencies of an offensive war, a war of conquest. Sir, we have already, by the war, deprived many of our fellow-citizens of the ordinary comforts of life, and destroyed the future prospects of a great portion of the community; and shall we now demand their money, to continue a war so distressing? Sir, I am aware that it may be unpopular with the friends of the war to say anything in opposition to it; but it is difficult for me to say anything for or against the proposition now under consideration, without adverting to the object to which the money shall be applied, if the tax shall be laid, and the money collected. It is said money is wanted to pay our debts; true, it is, that the country is involved in debt, and we have a large Military Establishment, a numerous army have been enlisted, and great expenses have been incurred, and to execute their contracts, the Government have been obliged to negotiate loans to an unexampled amount, and to pay an extravagant interest; and now we must demand, as well of those who are opposed to the war, as of those who are its advocates, to contribute to its support and continuance. No, sir; abandon the war, restore peace to the country, and then, those who are opposed to the present measures will do whatever is reasonable and just to discharge the public debt, and to support the credit of the nation.

Sir, those who are opposed to the war, will be opposed to this tax, and, for myself, I believe

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there are more than one half of the white free-men within the United States who are opposed to the continuance of the war; the citizens of the Eastern States are induced, neither by interest or honor, to give countenance to the present system of warfare, they consider it destructive of the best interests of the country, and threatening the loss of their liberties; but, although they are impoverished and distressed by the measures of their own Government, they are not subdued; they are not so beggared and debased as voluntarily to stretch out their necks to receive this yoke of war tax.

The majority of the people in the State which I have the honor to represent, in part, never will do anything to support and protract the war, but what the Constitution and laws of their country oblige them to do; and, for this plain reason, they are Americans, they love liberty, and hate oppression, and cannot consent to be the instruments of their own destruction; and they see nothing which the Government can give as an equivalent or in exchange for the money which will be taken by this tax, either in right, in privilege, in protection, or honor; therefore, they will view it oppressive.

Sir, in my opinion, it is incumbent on the friends of the war and those who are desirous of taxing the people to enable the Administration to continue it, to show to this House the necessity of it, and the advantages to be derived from it—for if this war is unnecessary, as I think it is, then, is it not correct to say, that the authors of it are mediately and in effect the executioners of those men who have been urged, and induced into the field by the temptation of high wages and bounty, and there fallen a sacrifice. Sir, the barren soil of the Canadas has been stained with the blood of Americans, and is there no man or body of men, who are responsible for this effusion of human blood? The first blood which was ever shed, as we are told by high authority, cried from the ground against the wretch who occasioned it. I do not mean by this, to say that no war can be justified, but I mean this, that no war or shedding of blood can be justified but from necessity, and that all other wars are forbidden by reason, morality, and religion.

Sir, there is another and sufficient reason in my opinion, why this tax ought not to be imposed on the people of the United States to enable the constituted authorities to carry on this war; namely, that it was declared not only hastily, and without preparation, but under a misapprehension of the state of facts in our foreign relations; for, if the Berlin and Milan decrees were not repealed until the 28th of April 1811, about which there is no question, then it is clear to my mind that the note of the Duke of Cadore of the 5th of August 1810, never was designed to be a repeal of these decrees; then the proclamation of the President of the 2d of November, 1810, ought not to have been issued; the non-importation law of the 2d of March, 1811, ought not to have been passed, and Congress ought not have declared war, on the memorable and ever to be lamented 18th day

of June 1812, and now ought not to impose this heavy tax on the people of the United States to support it. In relation to these decrees, it is very evident that the President and the majority of Congress, have been deceived by the arts and cunning of the French Government, and have been cheated into a war with the Government of Great Britain, much to the gratification of the great Napoleon.

Sir, I do not mean by this to impeach the motives, nor to treat the constituted authorities with disrespect, but I believe in my conscience that they have adopted a policy by mistake, or design, which, if persisted in, will be fatal to these United States. Sir, I am willing that justice should be done to those who hold the destinies of this nation. Yes, sir, I wish impartial justice may be done them.

In the meantime I will be just to myself and faithful to my constituents, who are opposed to this war, and are anxious for peace. Sir, if you ask what a solitary individual can do to put a period to the existing calamities, the answer is, when a question of the character now before the House is presented for his negative, or his affirmative, he can say, no. It has been said, and that very correctly, if you intend men shall behave well, you must take away the temptation to do ill. So in the present case—if you are desirous of peace, you must withhold from those who delight in war the means to prosecute it. There is no treason in saying no. And when the question is propounded, whether my constituents shall be impoverished and distressed with the burden of taxes, to support a destructive war, and which in my opinion threatens a dissolution of the Union, I shall say no.

Sir, the proposed taxes are to enable the constituted authorities to support an army, farther to invade the Canadas, and to wrest from the hands of a foreign Power the property and jurisdiction of that region; and success in this enterprise, we all know, must drive the innocent to destruction, which ought, if possible, to be avoided. The laws of humanity and justice forbid it. The war now rests on the subject of impressment, and must be prolonged and maintained to secure the rights of American seamen. Sir, the two Governments are not at issue on this fact. The British Government claim no right to impress American seamen. She disclaims it; and professedly claims no right but to the services of her own men in time of war—a right which we in theory admit; and although abuses have taken place in the exercise of this right, which has been cause of complaint, yet it never was thought just cause of war, until the days of modern policy. In the treaty negotiated by Mr. Monroe, it was reserved for future adjustment. In the treaty made with Mr. Erskine, under the Administration of Mr. Madison, which seemed to gladden the hearts of all parties, the impressment of seamen was not taken into the account. Sir, I see no connexion between the continuance of this war and seamen's rights. We shall find no seamen's rights in the cold region of the Canadas—we have found no-

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thing there but disaster; and it is time to pause, and to abandon this war; and if we are desirous of peace, go directly to the object, and propose a general armistice—negotiate an honorable peace, which will supersede the necessity of these taxes, and gladden the hearts of this great people, and liberate the oppressed.

Mr. CULPEPER addressed the Chair as follows:

Sir: As the vote is to be recorded which I shall give upon this and sundry other bills connected with it, as component parts of one great system of internal tax—a system deeply affecting the best interests of my country—I rise to explain to this House some of the reasons which govern me in the course I expect to pursue. I am anxious to see this session closed, and should not trouble the House with any remarks at present, were it not for certain attempts which have been made to forestall my proceeding upon this subject. I allude to several publications in the newspapers, stating that I had pledged myself to my constituents to support the war, to vote for taxes. Sir, my constituents required no such pledge; four-fifths of them believe with me, that, notwithstanding the encroachments of England and France, we were the most happy, free, and prosperous nation on the globe; that we owed to the pacific policy of our Government, that happiness which astonished the world; that a perseverance in this pacific course would have preserved to us a great portion of that happiness and prosperity which war and its dire effects have deprived us of; and, therefore, war is at all times, and especially in this agitated state of the world, to be deprecated as the greatest of evils.

Sir, I am not pledged by my promise to support or oppose any party in this House or country; or to vote for or against any measure now before the House, or which may come before it. But I am pledged to meet every subject fairly, to weigh them impartially, and vote on every question which comes before me, in the way that I deem most likely to promote the welfare of my country, and preserve to me an approving conscience. And this promise I am determined to perform while I am honored with a seat in this House, and blessed with the exercise of my feeble powers. With this determination I do, as every man, solicitous to preserve happiness to himself, his country, and his posterity, should do. I ask, what are we called on to make this great sacrifice for; for what reasons are we now required to part from the good old republican doctrine of '97, '98, and '99, and by our vote sanction this practice, this system which at that time was declared to be subversive of our liberties, and our republican Constitution, by the very men who now call on us to support this system? To this we are told that war makes taxes necessary; that we must have money to support the war, and maintain public credit. And an honorable gentleman from Kentucky told us the other day that every man who, either directly or indirectly voted for war, and does not now vote for taxes to support the war, must be damned by his own conscience; that his constituents will certainly damn

him, and if mercy does not prevent it, his Maker will more than damn him.

Be it so, sir, since gentlemen will have it; none of these things move me; I have neither directly nor indirectly voted for war. I am, therefore, at liberty to ask, and I avail myself of the privilege of asking, what good has the war in which we are engaged done us? what advantage have we obtained by it? what are the objects of the war? and are we likely to obtain our objects by voting for taxes? For although I admit that we must pay a price for the benefit of living in society, that we must relinquish a share of our natural liberty, and part with some of our property to secure the remainder; yet I contend that when individuals enter into society, it is for the mutual benefit of each other and of the community. That when a nation intrusts to a number of persons the right of levying war and imposing taxes, it is to enable them the better to repel foreign invasion, and maintain domestic tranquillity; and, therefore, Legislators should exercise that important trust with prudence, and not hastily involve the nation in war; and, by aiming at a temporary good, or the accomplishment of some favorite object, strike at the fundamental principles on which the happiness and liberty of the nation rest; and make a breach at which tyranny, oppression, poverty, and ruin, may one day enter. The question recurs, what good has the war done? To this question, I presume every gentleman in the House will answer we have derived no benefit from the war. Neither our happiness, our liberty, our property, or our honor, is increased or better secured. What, then, are the objects of this war? To obtain information upon this subject, I have examined the report of the Committee of Foreign Relations to the second session of the twelfth Congress, in which report I find these words:

"That the Orders in Council should be repealed, and that our flag should protect our seamen, were the only indispensable conditions insisted on; that it happened, that almost on the same day on which the United States, after having been worn out with accumulated wrongs, had resorted to the last and only remaining honorable alternative in support of their rights, the British Government had repealed conditionally its Orders in Council. That measure was unexpected; but, conditional as it was, it was admitted as having removed a great obstacle to accommodation. The other remained—the practice of impressment. Your committee consider it the duty of this House to explain to its constituents the remaining cause of controversy, the precise nature of that cause, and the high obligation which it imposes."

From what has been stated, it appears that however great the sensibility to other wrongs, the impressment of our seamen was that alone which prevented an armistice, and in all probability an accommodation. From this report it appears that one of the two causes of war, the Orders in Council, was removed almost on the same day in which the United States resorted to war, and before the British Government could possibly hear of our declaration of war. If, then,

sir, this remaining complaint is that alone which prevented an accommodation, it is of the utmost importance to understand its precise nature and extent, and how far it is to be considered an obstacle in future to accommodations, and examine our prospects of success; for, although the object may be desirable, it is bad policy to contend for it, and spill our blood, and spend our money, without a prospect of success. What, then, is the precise extent of this remaining cause of war? I have examined the President's Message to Congress at the commencement of this session, and I find it contains what follows:

"With respect to the important question of impressment, on which the war so essentially turns, a search for, or seizure of British persons or property on board neutral vessels on the high seas, is not a belligerent right derived from the laws of nations; and it is obvious that no visit, or search, or use of force for any purpose on board the vessels of one independent Power, on the high seas, can in war or peace be sanctioned by the laws or authority of another."

Now, sir, if I understand this passage in the Message, free ships shall make free goods, or in other words, the flag shall cover and protect the property. If this is our demand, we may fight eternally, for I have no idea that the maritime Powers of Europe, especially the British, will ever concede this point. But if it is only proposed to protect none but American seamen, I am not prepared to say the war is unjust, for I have believed for several years we have had great cause to complain of the conduct of both the British and French Governments, and if war was desirable, we could have found a pretext for war with both England and France. And when such regulations are made as shall confine the navigation of our ships of war and merchant vessels to American seamen, and foreigners are excluded, if the British or any other nation will continue to enter by force, and take our seamen from on board of our vessels, I shall consider it the duty of every man in the country to resist this practice; and, if necessary, to fight as long as we have men and money and a reasonable prospect of success; but I do not consider it a crime for a nation or an individual to reclaim its own; and I am unwilling to jeopardize our republican institutions, and spill our blood and strain our credit to protect foreigners. The important question is, are we likely to attain our object? To solve this question, let us examine the progress and effects of the war. It has been declared more than one year, and has increased our annual expenses from \$10,000,000 to nearly \$40,000,000. In 1806 our expenses were \$10,000,000; in 1813, the Secretary of the Treasury reports that \$29,230,000 are necessary to carry on the war, and support the Government the last nine months of the present year. It has also diminished our revenue from near eighteen millions to little more than five millions. In 1803, the receipts into the Treasury amounted to eleven millions of dollars; in 1804, to eleven and a half millions; in 1805, to thirteen millions; in 1806, to fifteen millions; in 1807, to near sixteen mil-

lions; and in 1808, to near eighteen millions, and rapidly increasing. From that period, our restrictive system, which eventuated in war, has affected our revenue, which has been gradually decreasing, and the Secretary estimates the probable amount of revenue from the ordinary sources, including double duties, which have been recently laid on goods imported, at \$5,800,000 for the present year, and this small sum is uncertain. If, then, sir, the war has been carried on for more than twelve months, and has increased our expenses near thirty millions of dollars, and decreased our revenue twelve millions, and we have not advanced one step towards the attainment of our object, and I trust gentlemen will admit we have not, I ask, have we any reason to expect that by voting for taxes we shall attain it? I have no expectation, nor do I desire to drive the majority from the stand they have made; from the strong ground they have taken; but really, sir, this premature, this ill-advised, this miserably conducted war, so much resembles the seven ill-favored and lean-fleshed kine in Pharaoh's dream, which did eat up the seven well-favored and fat kine, that I cannot vote to tax my constituents, and my country, to support a war for the protection of seamen, until I have better reason to believe such will be the result of the present contest.

Mr. NELSON moved to recommit the bill to the Committee of the Whole for the purpose of amendment in respect to the Virginia apportionment.—Negatived.

The question on the passage of the bill was then decided in the affirmative—yeas 97, nays 70, as follows:

YEAS—Messrs. Alexander, Alston, Anderson, Archer, Avery, Bard, Barnett, Beall, Bibb, Bowen, Brown, Burwell, Caldwell, Calhoun, Chappell, Cheves, Clark, Clopton, Comstock, Condict, Conard, Crawford, Creighton, Davis of Pennsylvania, Dawson, Denoyelles, Desha, Duvall, Earle, Farrow, Findley, Fisk of Vermont, Fisk of New York, Forney, Forsyth, Franklin, Gholson, Glasgow, Goodwyn, Gourdin, Griffin, Grundy, Hall, Harris, Hawes, Hopkins of Kentucky, Humphreys, Hungerford, Hyneman, Ingersoll, Ingham, Irwin, Jackson of Virginia, Kent of Maryland, Kerr, Kershaw, Kilbourn, King of North Carolina, Lefferts, Lowndes, Lyle, Macon, McCoy, McKee, McKim, McLean, Montgomery, Moore, Murfree, Nelson, Newton, Ormsby, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ringgold, Roane, Roberts, Robertson, Sage, Sevier, Seybert, Sharp, Smith of Pennsylvania, Smith of Virginia, Tannehill, Taylor, Telfair, Troup, Ward of New Jersey, Whitehill, Wilson of Pennsylvania, Wright, and Yancey.

NAYS—Messrs. Baylies of Massachusetts, Benson, Bigelow, Boyd, Bradbury, Bradley, Breckenridge, Brigham, Butler, Caperton, Champion, Cilley, Cooper, Cox, Culpeper, Davenport, Davis of Massachusetts, Dewey, Ely, Gaston, Geddes, Goldsborough, Grosvenor, Hale, Hanson, Hasbrouck, Howell, Hubbard, Hufty, Jackson of Rhode Island, Kennedy, Kent of New York, King of Massachusetts, Lewis, Lovett, Markell, Miller, Moffitt, Moseley, Oakley, Parker, Pearson, Pickering, Pitkin, Post, Potter, John Reed,

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William Reed, Ridgely, Schureman, Sheffey, Sherwood, Shipherd, Smith of New Hampshire, Smith of New York, Stanford, Stockton, Stuart, Sturges, Taggart, Tallmadge, Thompson, Vose, Ward of Massachusetts, Webster, Wheaton, White, Wilcox, Wilson of Massachusetts, and Winter.

So the bill was passed.

FRIDAY, July 9.

On motion of Mr. SEYBERT,

Resolved, That the Secretary of the Treasury be directed to have printed, during the ensuing recess of Congress, for the use of this House, one thousand copies of the digest which was authorized to be made in pursuance of the joint resolution of the two Houses of Congress, entitled "A resolution directing the Secretary of the Treasury to cause to be made a statement of the number, situation, and value, of the arts and manufactures of the United States."

The bill from the Senate for the relief of the owners of the vessels Amazon, Good Friends, and United States, and their cargoes, (the Amelia Island cases,) was twice read and referred to the Committee of Ways and Means.

The bill from the Senate making an appropriation for completing the Senate Chamber and repairing the north wing of the Capitol, was twice read and committed.

The bill from the Senate providing for the further defence of the ports and harbors of the United States, (authorizing the purchase and use of hulks, &c.,) was twice read and referred to the Military Committee.

The amendment of the Senate to the bill to reward the officers and crew of the sloop of war Hornet, (going to include Captain Elliott, &c., on the Lakes,) went through a Committee of the Whole, and was subsequently agreed to by the House.

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Mr. BRADLEY rose, and said that in offering to the House the resolution which he was about to submit for their consideration, he hoped he should be pardoned any agitation he might betray upon a subject which had given him peculiar anxiety, and which was vitally interesting to his native State, which he had the honor to represent.

He said, he need not now inform the House with what devoted eagerness the people of that State engaged in the prosecution of the present war, after it was declared by the constituted authorities of the nation. It was sufficiently obvious, from the number of troops which had enlisted from that State into the armies of the Union, and from the circumstance that until the enlistments could be completed, she not only poured forth her militia but levied a tax upon her hardy and industrious citizens at home, in order to pay an increase of wages, which she gratuitously gave to those who marched in obedience to the call of their country. This, said Mr. B., was not done for the mere purpose of defence, but with a proud and confident view to aid in the attack and conquest of Canada, which he was not ashamed

to say was one of the ultimate objects of his countrymen—an object rendered dear to them by the recollections of other times; it was the theatre of their former glory; and he could almost say that its occupation was the first and last wish of their souls. It was also the avowed object of the Government, and he would believe, notwithstanding certain surmises which had lately reached him, that it was the wish of the great body of the American people. He was not insensible to the changes which time and reverses might produce, but it was his unalterable opinion, that when the present war was declared, there was an almost universal expectation among the people that it would be conducted in a manner commensurate with the increased population and power of the country. Sir, said he, they did expect and they had a right to expect, that after twelve months, not of mere preparation, but of downright actual warfare, and in a contest between a population of seven millions and another of one fourteenth part that number, victory was not to be a matter of question. But they have been cruelly disappointed—instead of victory they have met with nothing but defeat, or if success has perched upon our unsteady standard, it has been evanescent, unsupported, and unimproved. Instead of that harmony and co-operation which can alone insure success, we behold division and partial and unconnected enterprise. Instead of the giant with strong and rapid arm seizing or crushing his puny adversary, we behold his awkward movements and fitful starts; while the pigmy with his sling buries the maddening and deadly pebble in his brain. Instead of shouts of triumph resounding through the country, and making even the walls of this Capitol to vibrate with joy, almost every paper which is daily laid upon our tables teems with some new tale of disaster and disgrace. Mr. B. said, he could not find language to describe the melancholy which pressed upon his soul when he reflected upon the contrast; he could not depict the humiliating mortification which he felt in being obliged, as he then was, to rise and discharge the duty of moving an inquiry into the causes of these things; but he knew it to be a duty imperative and unavoidable, and without the performance of which he should never again dare to look his constituents in the face. They expected it from their Representatives, and it was morally certain that the country expected from the House to inquire into the causes, and if possible apply the remedy of the evils which surrounded them. If this is not done, said he, if the massacre of our soldiers slaughtered or captured in detail, if the cloud of gloom and despondency which is settling upon the country cannot arouse us, then are we lost, indeed. We may then proceed and apply ourselves to revenue and impose taxes, which will operate after the national spirit is exhausted, and rely upon missions until the national character is sunk even beneath negotiation. Considering the vast sums of money which had already been expended; the number of men which it was obvious must be in the public service to consume so great an expenditure; and, above all,

the personal courage displayed by the troops in almost every engagement; he could not bring himself to believe that the cause of our misfortunes was now to be found in the want of strength or resources in the country, or of valor in the soldiers. It must be elsewhere; and, perhaps, some gentlemen would suppose that in starting and pursuing this inquiry, he was in danger of laying it at the door of the present Administration. If such were the case, he could assure those gentlemen that no administration—no man, or body of men, was dearer to him than his country. But he saw no necessity for the supposition, that the Executive, the commander-in-chief, or the soldier, was in fault. The cause of evil might be somewhere else; he did not pretend to say where; indeed, he did not know; but this he did know, that, wherever it was, it ought to be ferreted out and exposed to the eyes of the nation; and so far as it lay in the power of that House, he confidently trusted that this would be done, and the army restored to sanity, and the country to its reputation.

Mr. B. declared himself sufficiently sensible that the resolution which he was about to submit to the House was presented at a late period in the session; but he was also sensible of the old proverb, that it was never too late to do good; and, in his opinion, the remnant of time could not be employed in a manner more useful to the Republic, more grateful to the people, and more satisfactory to themselves, than in the appointment of a committee, which, without embarrassing or retarding the other public business, could at least commence the investigation to which he had endeavored to call the attention of the House. With this view he submitted for consideration the following resolution:

Resolved, That a committee be appointed to inquire into the causes which have led to the multiplied failures of the arms of the United States on our Western and Northwestern frontier, and that the committee be authorized to send for persons and papers.

The House having agreed to consider the resolution—

Mr. HOPKINS, of Kentucky, made some observations, not distinctly heard, owing to the distance of the reporter from his seat. He was, however, in favor of a full inquiry into all the disasters which had occurred; but appeared to conceive the present moment to be unseasonable, on account of the particular circumstances of the country and the approaching termination of the session. On a future occasion, and under different circumstances, he appeared disposed to give it his full support.

Mr. SEYBERT was opposed to the adoption of the resolution, for several reasons. It proposed to put it in the power of a committee of this House to send for persons and papers relative to the inquiry. Who were the persons whom it was thus proposed to send for during the present Summer? Almost every officer of the army. It appeared to Mr. S. that the resolution was entirely out of time, although he concurred in the propriety of the proposed inquiry if it were practicable. It was an inquiry, moreover, wholly incompatible

with present circumstances, as it would consume many months, and must at last be inefficient and the result inconclusive.

Mr. J. G. JACKSON said it did seem to him that the resolution now under consideration was the most impolitic in relation to the situation of the country and of the national affairs, that ever was submitted to Congress. At a session limited, according to every calculation, to two weeks' further duration, we are called upon to enter into an inquiry, and to send for persons and papers relative to it, which would probably consume several months. I concur most heartily in the sentiment, that it is not only the right, but the duty of Congress, if they discover any gross and manifest mismanagement of the arms of the country, to institute an inquiry into the circumstances, as they did many years ago in the case of St. Clair's defeat. But a reference to the circumstances of the country would prove that such an inquiry, at this moment, was neither expedient or practicable. An inquiry presupposes deliberation, candid deliberation and decision. Is it to be expected that an inquiry can be set on foot, and the result thereof reported to the House at the present session? Will you condemn your officers unheard? I say your officers, for I understood the mover of the resolution not to implicate any person at the seat of Government, nor to propose to extend the inquiry further than into the mismanagement of the arms in the hands of our brave soldiery on the frontiers. If persons and papers relative to the inquiry were to be sent for, what would be the situation of our army in relation to the enemy? The Massachusetts memorialists would gain their prayer in one essential particular; our armies would not only return within our own limits, but would be absolutely driven from the frontier and disbanded. The army would be a *caput mortuum*; for all its officers, from major-generals to subalterns, would be withdrawn.

Besides, sir, the resolution speaks of repeated failures of our arms in the West and Northwest. It assumes a fact which, independent of its scope, I do not know to be true. What failures in the West does the gentleman allude to? Was there a failure of our arms at Fort Meigs? A detachment of our force was indeed cut off; but in relation to the main object of the enemy's expedition against that fort, it was a complete failure of the arms of the enemy. To what, then, does the gentleman refer in speaking of the repeated failures of our arms in the West? That they have failed, lamentably failed, in several instances, is too true, but it is equally so, that it was not owing to any want of courage or subordination on the part of the soldiery. If they had been headed by men as competent to command them as they were worthy of competent commanders, they would never have failed to be victorious. I would not condemn any man unheard, not even him [meaning General Hull] against whom the sentiment of execration is unanimous in this House and the nation, as far as my knowledge extends. *Audi alteram partem*. I would hear both sides before I would decide.

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Shall the proposed committee sit during the recess? Sir, it would be better at once to disband the army. The gentleman's resolution ought to embrace yet another proposition, and that is, to substitute other officers for those to be recalled to attend the committee. When the campaign shall have ended, I will concur heartily in the expediency of such an inquiry, and the very agitation of this proposition will prove a sufficient stimulus to our army. We have been informed of the indisposition of the Commander-in-chief of the Northern army, and, in consequence of this and other causes, he is to be stationed at Albany. Sir, have we no General competent to command that army? One of the failures, at least, embraced in the proposed inquiry, has been, or is, a subject of military inquiry. Does the gentleman wish to take it out of such hands? Will the House throw its weight into the scale against an individual in relation to whom there has existed for several months so general a prejudice and disgust? I know not, sir, what would be the situation of Fort Meigs, if the gentleman should withdraw the officers from that post and bring them before the House; for, if our accounts are correct, that place is again besieged. I fear, sir, that this resolution, at the present moment, will be fraught with great evil, and will produce no good whatever; for the terms of the resolution forbid the idea of an *ex parte* inquiry, and it would be destruction to the Army at this moment to withdraw the officers whose presence would be necessary to a due examination of the matter. This resolution is moved, too, in the face of the fact that the members are daily obtaining leave of absence. We have already prolonged the session beyond the period which public opinion had assigned for its duration. We have consumed time, no one can tell how or wherefore, and the important business which we were called here to act upon is not yet transacted. In such a state of things, how could we act correctly on a proposition like this during the session? And, sir, I have no idea of clothing a committee of the House during the recess with the powers with which this resolution proposes to invest them. If the motion be pressed, I must vote against it, though I had rather it should be postponed.

Mr. TAYLOR remarked that the resolution embraced a matter of much importance, on which the House ought not to act without due reflection and mature consideration. He was fully persuaded that it had been submitted from pure and patriotic motives, and there were many considerations in favor of it; but, for himself, he was not now prepared to act on it, and therefore moved that it lie on the table.

Mr. FINDLEY stated that in 1790 an expedition, commanded by Colonel Harmer, composed of his own regiment and detachments of militia from the neighboring States, including Pennsylvania, having been carried against the Indian towns and totally defeated, Congress provided a more numerous army of enlisted levies, which composed the expedition commanded by General St. Clair,

in 1791, against the Indian towns. This expedition also was not only defeated, but so completely destroyed, that a new and more permanent army had to be raised and organized, the accomplishment of which was very much discouraged by such repeated and destructive defeats. In order, as far as possible, to prevent the recurrence again of such misfortunes, by means of any defect in the intended organization of a new army, a committee was appointed to inquire into the causes of the failure of that unfortunate expedition. The committee, towards the close of the session, accompanied a concise report with a great mass of testimony, but the inquiry not being deemed sufficiently full, the subject was recommitted to a committee, composed of the same members, the next session, who sat and continued their inquiry till near the close of that session also, when they made another concise report, explaining and confirming the former one, supported by much new testimony. The session being near a close, the proceedings were not published, but the testimony and the books of information given in by the parties principally interested are still in possession of the House. There was, as is the case in all unfortunate expeditions, strong prepossession against the commander. By the inquiry, the grounds of these were removed, and the causes found principally to arise from the general plan, the construction of the army, the delay and insufficiency of supplies of all sorts, badness of the gunpowder, &c.

Mr. F. said that, having been a member of that committee of inquiry during its continuance, and the only member now in this House that was so, induced him to be more particular on that subject. He had long regretted the neglect to publish the proceedings of that committee, as similar causes might thereby have been prevented, which may have had their influence in producing some of the failures which are now the object of the proposed inquiry, or may have on future expeditions. He was in favor of the proposed inquiry, to which he thinks the former inquiry a suitable precedent, while, at the same time, it demonstrates that it cannot be gone into at the present session, nor at any time during the active period of a campaign, because not only all the principal officers concerned in the subjects of inquiry, but all such as either the committee or the parties may judge necessary for witnesses, must attend. From former examples of such inquiries on different subjects, it is probable that the proposed inquiry may require the attention of the committee during a pretty long session, and it is evident, that, in order that the parties concerned may attend, this must be during a Winter session. Mention having been made of a committee to sit and act during the recess of Congress, Mr. F. said he had doubts of the propriety of a committee continuing to act during the recess of Congress. There was, indeed, one example. A committee was authorized to sit during a long recess to take testimony, &c., for an impeachment. When, at much expense and much arduous labor, the propositions were made, the Senate decided

that the case was not impeachable. By the inviolable practice of the House, every session appoints its own committees *de novo*, therefore, though we are of the same Congress, yet we cannot, during this session, appoint a committee for the next. Were it not for this, I would not object to vote for a committee now. I am, however, well disposed to vote for it as soon as such an inquiry is practicable.

Mr. GHOLSON said it would be difficult for him to express the emotions he felt at the introduction of this resolution by the gentleman from Vermont (Mr. BRADLEY.) The gentleman, so anxious to-day for the prosecution of the war, yesterday voted against the direct tax which was intended to support the war—[Here Mr. TAYLOR from New York called Mr. G. to order, and it was alleged by him, and decided by the SPEAKER that the motives of the gentleman from Vermont (Mr. BRADLEY) could not be called in question.] Mr. G. said he did not intend to question the motives of the gentleman from Vermont; but he presumed, without saying how the gentleman voted on the direct tax, he might be permitted to say, that that tax was designed as the basis of the public credit, which credit was the support of the war for the success of which the gentleman from Vermont now appears so solicitous. Mr. G., however, waived this view of the subject, and observed that he considered it his bounden duty to repel an insinuation which the gentleman from Vermont had made against the Executive. And in repelling such insinuation, sir, said Mr. G., I am influenced altogether by a sense of justice; for neither myself or any of my kindred have the least interest whatever in "the loaves and fishes" that are distributed by the President. The gentleman from Vermont has said or intimated that the cause of the failures of our armies on the Northern and Northwestern frontiers, lies higher than in the armies themselves—leaving us to infer that the cause lies with the Executive. Sir, I most pointedly deny this charge, thus indirectly made, and I appeal to the facts. I hazard nothing, sir, in affirming, and whenever the investigation shall be made, it will manifestly appear, that, in every instance of failure, the means provided by the Government have been ample and abundant. That they have been fully and more than sufficient for the accomplishment of the object in view. A recurrence for one moment to the history of the several campaigns, will show that the Executive have not been neglectful of their duty. That they have always provided sufficient force and competent means to insure success in their enterprises, if that force and those means had been properly combined and directed by the officers to whose management they were confided. If we analyze the progress of the war, and examine into the disasters that have occurred, the results will be obvious. Beginning with Hull's surrender, will any gentleman say that the Executive is in any wise chargeable with that most disgraceful transaction? That General was provided with everything for his defence. Of this no one can doubt.

Will the President be charged with the defeat of Van Rensselaer, who had force enough, if he had called it into action, to have demolished the enemy: but who relied on militia, in whom it was notorious no confidence could be reposed for service in the enemy's territory, and this, too, when there was a brigade of regulars perfectly within his command and at his disposal? I will not say, sir, that this was—[Here the SPEAKER observed that Mr. G. was taking too wide a range of debate, on the mere question of postponement; and Mr. G. took his seat.]

Mr. BRADLEY (who was precluded from debating the question at large by the Speaker's decision that it was improper on this motion) observed, that he perceived that several gentlemen had supposed his intention to be, to produce a state of things which had never entered into his contemplation. It was not his intention to go into a full inquiry at the present session, but merely to proceed as far as possible at this time, and satisfy the just wishes of his constituents. Because everything could not be done at the present session, was no reason that nothing should be done. So far from having any disposition to cramp the operations of the army, he was anxious to accelerate them. The effect of laying the resolution on the table would be still further to waste the time which some gentlemen seem to think too short for inquiry. Not a moment ought to be lost in commencing the good work, if the greatest argument which could be urged against it was, as it appeared to be, the want of time. The almost dying expression of the lamented Pike was, that the face of the war ought to be changed; which can only be done by the adoption of measures by Congress calculated to produce this effect. It seemed it was not now in order to reply to the observations that had been made as to the motives which had induced him to make this motion; if he were permitted he should reply. He hoped no postponement would take place. If the committee, on proceeding to an inquiry, should find it difficult or impracticable, they could so report to the House.

Mr. FARROW hoped the resolution would not lie on the table. He understood it sufficiently, and it was so short and specific that it might readily be understood by any gentleman on hearing it read. The nation required that such an inquiry should be had; and if the inquiry could not be made at the present session, it might at least be begun.

Mr. BABB avowed his opinion that the disasters our arms had incurred had been such as to demand an inquiry at the hands of the House. He was opposed to the motion, not because the inquiry ought not to be made, but because it could not be made at the present session. The inquiry could not be completed during the session; and the pendency of such an inquiry might have the effect to supersede military inquiry or trial, as he recollected it had done once before (in the case of General Wilkinson.) At the next session he hoped there would be no indisposition to make the inquiry on any side of the House. He, there-

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fore, hoped the gentleman would consent to withdraw his motion, or to postpone it to December next.

Mr. BRADLEY declining to withdraw the motion—

The question was taken on laying it on the table and decided as follows: For laying it on the table 76, against it 67.

A motion having been made to print the resolve, was negatived, 76 to 65.

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The engrossed bill imposing a duty (of four cents per lb.) on sugar refined within the United States, was read a third time and passed without debate—yeas 94, nays 53, as follows:

YEAS—Messrs. Alexander, Alston, Anderson, Archer, Avery, Bard, Barnett, Beall, Bibb, Bradley, Burwell, Caldwell, Calhoun, Chappell, Clopton, Comstock, Condict, Conard, Crawford, Davis of Pennsylvania, Dawson, Denoyelles, Desha, Duvall, Earle, Eppes, Evans, Farrow, Findley, Forney, Forsyth, Franklin, Gholson, Glasgow, Goodwyn, Gourdin, Griffin, Grundy, Hall, Harris, Hawes, Hopkins of Kentucky, Hubbard, Humphreys, Hungerford, Hyneman, Ingersoll, Ingham, Irwin, Jackson of Virginia, Kennedy, Kent of Maryland, Kerr, Kershaw, Kilbourn, King of North Carolina, Leferts, Lowndes, Lyle, Macon, McCoy, McKee, McKim, McLean, Moore, Nelson, Newton, Ormsby, Parker, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Richardson, Ringgold, Roane, Roberts, Robertson, Sevier, Seybert, Sharp, Skinner, Smith of Pennsylvania, Smith of Virginia, Strong, Tannehill, Taylor, Telfair, Troup, Ward of New Jersey, Whitehill, Wilson of Pennsylvania, Wood, Wright, and Yancey.

NAYS—Messrs. Baylies of Massachusetts, Bigelow, Bowers, Boyd, Bradbury, Breckenridge, Brigham, Caperton, Champion, Cilley, Cooper, Cox, Culpeper, Davenport, Davis of Massachusetts, Dewey, Ely, Geddes, Gloninger, Goldsborough, Hale, Howell, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Lewis, Lovett, Miller, Moseley, Oakley, Pickering, Pitkin, John Reed, Ridgely, Ruggles, Schureman, Sheffield, Sherwood, Shipperd, Smith of New York, Stanford, Stockton, Stuart, Sturges, Taggart, Tallmadge, Thompson, Vose, Ward of Massachusetts, Webster, Wheaton, Wilcox, and Winter.

The engrossed bill to establish the office of Commissioner of the Revenue, was read a third time and passed without a division.

The engrossed bill imposing a duty on sales at auction of merchandise, and of ships and vessels, was read the third time

[This bill imposes, after the 1st day of January next, upon all sales by way of auction, one dollar for every hundred dollars of the purchase money arising from the sale of merchandise, and twenty-five cents for every hundred dollars of the purchase money arising from sales of ships or vessels; the money to be paid by the auctioneer out of the proceeds of the sale.]

The question on the passage of the bill was decided in the affirmative—yeas 102, nays 51, as follows:

YEAS—Messrs. Alexander, Alston, Anderson, Archer, Avery, Bard, Barnett, Beall, Bibb, Bowen, Bradley, Burwell, Caldwell, Calhoun, Chappell, Clark,

Clopton, Comstock, Condict, Conard, Crawford, Creighton, Davis of Pennsylvania, Dawson, Denoyelles, Duvall, Earle, Eppes, Evans, Farrow, Findley Forsyth, Franklin, Gholson, Glasgow, Goodwyn, Gourdin, Griffin, Grundy, Hall, Harris, Hawes, Hopkins of Kentucky, Hubbard, Humphreys, Hungerford, Hyneman, Ingersoll, Ingham, Irwin, Jackson of Virginia, Kennedy, Kent of Maryland, Kerr, Kershaw, Kilbourn, King of North Carolina, Leferts, Lowndes, Lyle, Macon, McCoy, McKee, McKim, McLean, Montgomery, Moore, Murfree, Nelson, Newton, Ormsby, Parker, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Richardson, Ringgold, Roane, Roberts, Robertson, Sevier, Seybert, Sharp, Skinner, Smith of Pennsylvania, Smith of Virginia, Strong, Tannehill, Taylor, Telfair, Troup, Ward of New Jersey, Whitehill, Wilson of Pennsylvania, Wood, Wright, and Yancey.

NAYS—Messrs. Baylies of Massachusetts, Bigelow, Boyd, Bradbury, Breckenridge, Brigham, Caperton, Cilley, Cooper, Davenport, Davis of Massachusetts, Dewey, Ely, Gaston, Gloninger, Goldsborough, Grosvenor, Hale, Hanson, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Lewis, Lovett, Miller, Moseley, Oakley, Pickering, Pitkin, Potter, John Reed, Ruggles, Schureman, Sheffield, Sherwood, Shipperd, Smith of New Haven, Smith, of New York, Stanford, Stockton, Stuart, Sturges, Taggart, Tallmadge, Thompson, Vose, Webster, Wheaton, White, Wilcox, and Winter.

The House again resolved itself into a Committee of the whole House, to whom was committed the bill for the assessment and collection of direct taxes and internal duties, and the other tax bills; and, after some time spent therein the Committee rose and reported the bill laying duties on carriages for the conveyance of persons, with amendments, and asked leave to sit again on the residue of the said bills; which was granted.

The amendments were then read and concurred in by the House, except two of the said amendments, which were disagreed to.

A motion was made by Mr. TAYLOR, further to amend the bill by adding to the end of the proviso in the first section, the words, "or in the opinion of the collector of a value not exceeding fifty dollars," and the question being taken, it was determined in the negative.

Another motion was then made by Mr. TAYLOR, further to amend the bill by striking out the words "three dollars," in the first section, and to insert "two dollars."

Mr. CLOPTON.—Mr. Speaker: I find myself under the necessity of addressing you and the House upon this occasion. It is really disagreeable to me to trouble you at all, and nothing but the peculiar situation in which I stand, could induce me to it. This renders it a duty I owe myself, to state my reasons for the vote which I shall give upon the bill before you. Believing, as I do, after much reflection upon the subject, that the tax proposed to be raised by the bill is of the nature of a direct tax, I cannot conscientiously vote for it, because the Constitution prohibits the laying of such a species of tax in the way proposed.

Having voted for the declaration of war, in

vindication of the honor and the dignity, and the rights, and I may say, the independence too, of this nation, I hope it will not be imagined that I feel any sort of reluctance in supporting the war; that it will not be presumed, under these circumstances, that I am unwilling to furnish the supplies for carrying it on. Such a disposition (could I at this awful crisis in the affairs of our country entertain it) would indicate a degree of inconsistency, a sort of waywardness, a sort of whimsical inconstancy of mind which, I trust, will never enter into my composition—will never in any instance characterize my conduct. No, sir; it is from a regard to the sacred injunctions of the Constitution; it is from a regard to the solemn requirement of the oath I have taken to support the Constitution, that I am constrained to enter my dissent to the proposed tax. To satisfy the feelings of my own conscience, and to follow the decisions of my own judgment, are sacred obligations on my mind not to be dispensed with. I may regret, as I do very sincerely regret, that I am brought to decide on a branch of a system of taxation proposed in a way which that judgment deliberately and seriously consulted cannot reconcile to the Constitution; and, it is in no small degree that this regret is deepened and rendered the more poignant from the consideration that the course which I am thus constrained to take, runs in a line directly opposite to that which, I expect, will be taken by gentlemen with whom I have, with very few exceptions, always gone—with whom I have travelled, and travelled with pleasure, in the paths of legislation. But deep as this regret is, and even afflicting to my mind, it must give way to the superior consideration I have stated.

However, sir, even in respect to matters affording, as it would seem, but narrow ground for difference of opinion, experience teaches us that much difference of opinion often prevails. It is no cause for astonishment or surprise, therefore, that the judgment, which my mind has been able to form upon the question of constitutionality in relation to the proposed tax, should be so essentially different from that of other gentlemen. The frequency of such instances renders the circumstance such as not to be wondered at. Nor do I feel it to be of much, if of any consequence, in deciding upon this question, if I should be told, as perhaps I may be told, that this point has been already settled by the Supreme Court—that they have, by a solemn decision, established the constitutionality of this species of tax. Such decision (for I believe a decision upon the subject has been pronounced by that body) may, and no doubt has, settled the point, and established the principle for themselves; but until they become the arbiters of my conscience and the directors of my judgment, I shall deny that their decision has any binding force whatever upon my mind in deciding upon this question. I not only feel the disposition, but have formed the determination to judge for myself on such matters as are brought before me, and in respect to which I am called to act in the course of legis-

lation, whatever opinions may have been pronounced by others under any character whatever, or in any department of the Government. At the same time I declare, sir, that neither this disposition nor this determination prevents me from entertaining a due respect for the characters, the talents, and the stations of the public functionaries, and for their opinions, on whatever subjects they may be pronounced; and this respect for their opinions will always induce me to examine, as minutely as my judgment is capable of examining, every case in which they may have pronounced a decision, which does not strike my mind as being correct, if I am called upon to act on such case: but nothing like a slavish indiscriminate assentation to such opinions, as so many political oracles or infallible expositions of the Constitution (if they relate to Constitutional questions,) shall ever sink me below the character of an independent Representative. To my conscience and to my country, and not to any select individuals, I am responsible for my conduct in this House. By the light, which it has pleased God in his beneficence to dispense to me, I feel it to be my duty to be directed. Dim as that light may be, it is that by which I am to be guided, and not by the light of another. However luminous the understanding; however exalted the station of any man, his opinions and decisions are not mine until my own mind becomes convinced of their propriety; much less can they be so while that is impressed with a belief that such opinions or decisions are erroneous or incorrect. With this impression on my mind, to assume them as my own opinions or decisions violates a duty I owe to my conscience, which requires that I should conform to its dictates—violates a duty I owe to my country, which requires that the votes I give here should be grounded on actual conviction of their propriety, resulting from a free, honest, unbiassed exercise of my best judgment. In the present instance, sir, I have endeavored so to exercise the best of my judgment, and to give to the subject now before us such an examination as I have mentioned; the result of which is a confirmed conviction that the tax in question cannot be constitutionally laid in the manner proposed, inasmuch as this examination has led to a conclusion, clear and unquestionable to my mind, that the tax proposed is a direct tax, according to the meaning of the Constitution.

I will now, sir, ask the indulgence of the House in order to submit a few observations upon this subject. In the investigation of it, Mr. Speaker, I consider it proper, first, to inquire whether the term direct has reference to the property on which the tax is laid: or whether it has reference to the owner or person in whose possession the property is, and who is chargeable with the payment of the tax. If it has reference to the property, on which the tax is laid, in that sense all taxes whatever would be direct taxes, (for all taxes are laid directly on the articles taxed,) and there would have been no necessity for introducing the word into the Constitution. The term,

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therefore, must have been applied, not to the property taxed, but solely to the owner or person in possession of the property on which the tax is laid, and who is immediately chargeable with the payment of it. I must, then, understand a direct tax, when the subject of it is an article of property, to stand opposed in character to what is called an indirect tax, in this respect, that it is laid directly on property, the owner or possessor of which is immediately chargeable with the payment of the tax, but by which no other person, whatever, is affected; whereas an indirect tax, as I understand it, although charged on the owner or person in possession at the time when the tax accrues, affects other persons also, though not charged with it as a tax, but who use or consume the property, or proceeds from it, and indirectly pay the tax, in the price of the article used or consumed; the term *indirect*, as characteristic of this species of tax, having reference to the person who uses or consumes the article. So that the terms *direct* and *indirect*, when applied to taxes, refer always to persons, and not to the things taxed; the tax in the one case falling solely upon, and being confined in its operations to, the person in possession at the time when it takes effect—in the other case passing to the consumer and operating ultimately on him: hence the consumer is said to be taxed indirectly in the latter instance—the proprietor to be taxed directly in the former instance.

If we look at the clause in the Constitution which relates to direct taxes, we see that one sort of tax is specifically designated, and evidently, in my opinion, points out the character of every other species of it as applying wholly to the owner, or person immediately chargeable with the payment of the tax. That clause declares that "no capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken." Here, sir, it is plain, from the structure of the clause, that the capitation or poll tax is designated as a species of direct tax, to which all other direct taxes are similar in their character; that is to say, the quality of the tax, which renders the term *direct* an appropriate characteristic of it when applied to a poll tax, is similar to that of every other tax to which the same term is intended by the Constitution to be applied. The words "other direct taxes" immediately following the word "capitation," and being coupled with it in the sentence, prove clearly that there is an intimate connexion between them. They not only show that, besides the capitation tax, there are other species of taxes, likened in their nature and character to the capitation tax, but, also, that every tax so likened in its nature and character to the capitation is a *direct* tax, and consequently must, if laid at all, be laid in the same manner as a capitation tax is laid.

Now, sir, what is the nature and character of a capitation tax? The very term capitation proves the nature and character of the tax; proves it to be such a tax as does not, and cannot affect any person but the person immediately chargeable

with the payment of the tax; for, who can be affected by it, or be chargeable with the payment of it, but the person on whose head it is laid, if he be a free man and not a minor? None, sir; and although in the capacity of a parent, a guardian, or a master, a person may be chargeable with the payment of a poll tax which is not laid upon his own head, yet this circumstance alters not the principle; on him only, as being the person immediately chargeable with the payment, does the tax operate in any manner whatever. In such a case, the person on whose head the tax is laid is merely a subject of it, and not otherwise affected by it.

The next step to be taken in the investigation of this subject is, to inquire whether the tax in question be similar in its nature and character to a capitation tax. If it be so, I contend the conclusion will be a fair and a just one, that it is a *direct* tax, and cannot be constitutionally laid in the manner proposed.

I have said, sir, and it is a position which seems to me too clear to be controverted, that a capitation or poll tax is a tax of such a nature and character that no person but the person immediately chargeable with the payment of the tax can be affected by it. Such being a peculiar characteristic quality of the capitation tax, I take it to be that which denominates it a *direct* tax; that, because it operates so directly and exclusively on the person charged with the payment of the tax, the framers of the Constitution intended to distinguish it by that appellation.

But, sir, is the proposed tax a tax of such a nature and character that no person but the person immediately chargeable with the payment of it can be affected by it? There are some propositions too clear and self-evident to require, or even admit of demonstration by regular process of reasoning. They are no sooner presented for consideration than the mind is stricken with a conviction of the truth of them. Such, I apprehend, is the proposition contained in the question just now propounded. For, can the truth of any proposition whatever, be more clearly demonstrated, by a course of reasoning, than the truth of this appears on the first presentation of it to the mind? I cannot conceive of any, sir. Can it be imagined that the tax laid upon a carriage can, in any manner whatever, affect any person but the owner, or person in possession, who is immediately charged with the payment of the tax? It seems to me, sir, that no mind, however ingenious and scrutinizing, can find out any way whatever by which such a tax can operate otherwise than solely on the owner or person in possession of the carriage, and immediately charged with the payment of the tax. That the operation of it is thus limited and confined, is as clear and self-evident as that a poll tax is so limited and confined in its operation. It is as clear and as self-evident as that a tax upon slaves, a tax upon houses, a tax upon land, is each so limited and confined in its operation.

If we recur to the bill passed by this House but a day or two ago for laying a direct tax, we

shall see that slaves are not taxed therein by the head, but upon their valuation as so many articles of property. It is not a poll tax, then, as it respects them, any more than as it respects the other subjects of taxation enumerated in the bill; and why were they designated amongst those different species of property thus made the subjects of this tax, according to their valuation, and carriages not included in the enumeration? Can the human imagination discover any real substantial difference between these two subjects of taxation, considered as property? Can the human imagination mark any real distinction between a tax upon the one and a tax upon the other, as it affects, in either case, the owner or person immediately charged with the payment of the tax? It seems to me, sir, that *he* would find himself engaged in a very difficult task, who would undertake to find out any difference between them in that respect. They stand precisely in the same predicament, both in point of property, and in reference to the operation of the tax. As objects of property, they differ only in being different species of it. Dwelling-houses are also included in the list of property enumerated as the subjects of this tax; and to a tax on this species of property, a tax on carriages may, perhaps, be still more strikingly assimilated, inasmuch as they approach nearer towards each other in similarity of species.

I beg leave to notice an observation made by the honorable gentleman from Georgia, (Mr. BIBB,) in regard to a principle of discrimination, between direct and indirect taxes adopted by the Committee of Ways and Means. I understood that gentleman to state that the Committee considered carriages as articles of expense, and as such, it seems, it is proposed to lay a tax upon them, in the manner directed by this bill, at a rate affixed to each sort, as specified in the bill. To assume it, as a general principle, that articles of expense, merely as such, are the proper subjects of indirect taxation, will go farther, perhaps, than gentlemen who assume it are aware. It will go to include some which have been selected as subjects of the direct tax. Many slaves are employed in a manner to which the idea of expense may be as well attached, as that idea is attached to the employment of a carriage. They are often employed together, and alike, for the convenience of the owner; and may not the one as well as the other, then, be arranged under the head of expense? Can the mere circumstance that the carriage affords the means of convenience to the owner, determine *that* to be an article of expense; while, at the same time, the attending servant or waiter, who also affords means of convenience to the owner, is not to be considered as an object of expense? It seems to me, sir, that the mind must struggle hard, indeed, to make out a distinction in this respect, merely because there exists such a difference between them as to species of property, I cannot perceive, in this difference of species, any necessary separation of the one from the other, as to the idea of expense, although it may be true that sometimes the one may be more expensive than the other. Where is the connex-

ion between the idea of a carriage and the idea of expense, which does not attach to the servant who drives the carriage? It would be difficult to prove the connexion as to the former, without proving it as to the latter. Domestic servants, too, when such are slaves, may be considered as standing in a similar predicament; and, if whatever administers to the ease, convenience, and even pleasure of the owner, as the use of a carriage may be deemed to do, ought, for that reason, to be arranged under the head of expense, for the same reason, the other description of property may be as fitly arranged under the same head. I cannot conceive, therefore, that the true principle of discrimination between a direct and indirect tax consists in a supposed association of the idea of the latter with the idea of expense, as the peculiar subject of its operation. I apprehend, rather, that it is to be found in the difference between their respective modes of operation. Upon the whole, sir, if, as I have endeavored to show, the proposed tax on carriages is precisely similar in its nature, in its character, and in its operation, to a poll or capitation tax, it must be a species of tax of the same denomination with the capitation tax. But everybody admits that the capitation tax is a direct tax, for it is expressly so called in the Constitution. I can, therefore, draw no other conclusion than this, that the proposed tax is also a direct tax; that it is equally as much so as a slave tax, a house tax, or a land tax.

Far from endeavoring by a forced construction of the Constitution to come to the conclusion that the proposed tax is a direct tax, and, therefore, not to be constitutionally laid in the manner intended by this bill, I have, on the contrary, almost endeavored to resist the convictions of my mind which have led to that conclusion, and to doubt the correctness of it, in order to reconcile the tax to the Constitution; because if I did believe it to be reconcilable to the Constitution, it would, in my opinion, be a very proper tax, and I should certainly vote for it, inasmuch as it is presumable that, generally, persons who own this species of property are well enabled to pay the tax. But no consideration of this sort can, or ought to induce me to mould the Constitution into a form to suit the tax, or, by a forced construction, which, to my mind, it will not bear, to reconcile it to the tax. If it be a defect in the Constitution, it is not for me to supply that defect. I am solemnly bound by the Constitution, as it is, and have no right to transcend the limits of it. Therefore, being under the impression of a strong belief that it does not authorize the laying of the tax as proposed in this bill, I cannot vote for it.

The question being taken on Mr. TAYLOR'S amendment it passed in the affirmative—yeas 89, nays 52, as follows:

YEAS—Messrs. Alexander, Baylies of Massachusetts, Beall, Bigelow, Boyd, Bradbury, Breckenridge, Brigham, Caperton, Champion, Chappell, Cheves, Cilley, Clopton, Comstock, Condict, Cooper, Cox, Crawford, Culpeper, Davenport, Denoyelles, Dewey, Ely, Farrow, Findley, Gaston, Geddes, Glasgow, Goldsborough,

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Griffin, Hale, Hasbrouck, Hubbard, Hungerford, Ingersoll, Ingham, Jackson of Rhode Island, Kennedy, Kent of New York, Kerr, Kilbourn, King of Massachusetts, King of North Carolina, Lewis, Lovett, Lyle, McLean, Miller, Moseley, Nelson, Newton, Oakley, Pearson, Pickering, Pitkin, Potter, John Reed, Rea of Pennsylvania, Rhea of Tennessee, Rich, Richardson, Ruggles, Schureman, Sevier, Sheffey, Sherwood, Shipherd, Smith of New York, Smith of Virginia, Stockton, Strong, Sturges, Taggart, Tallmadge, Taylor, Thompson, Vose, Ward of Massachusetts, Ward of New Jersey, Webster, Wheaton, White, Wilcox, Wilson of Massachusetts, Wilson of Pennsylvania, Winter, Wright, and Yancey.

NAYS—Messrs. Alston, Anderson, Bard, Bibb, Bowen, Bowers, Burwell, Calhoun, Clark, Conard, Creighton, Davis of Pennsylvania, Dawson, Desha, Duvall, Earle, Eppes, Evans, Forney, Forsyth, Gholson, Goodwyn, Gordon, Grundy, Hall, Harris, Hawes, Hopkins of Kentucky, Humphreys, Hyneman, Kent of Maryland, Lowndes, McCoy, McKee, McKim, Moore, Murfice, Ormsby, Pickens, Piper, Pleasants, Ringgold, Roane, Roberts, Robertson, Seybert, Sharp, Stanford, Tannehill, Telfair, Troup, and Whitehill.

The bill was then further amended, and ordered to be engrossed, and read the third time tomorrow.

SATURDAY, July 10.

Mr. BENSON, from the Joint Committee appointed for the purpose, made a report, in part, of such business as, in the opinion of the committee, demands the attention of Congress at their present session; which was read, and ordered to lie on the table.

On motion of Mr. BENSON,

Resolved, That it be further referred to the Joint Committee of both Houses, to whom it is referred to consider and report when an adjournment of Congress may probably take place, also to consider and report as to the time when it will be advisable that Congress should again meet, after the close of the present session.

The House resolved itself into a Committee of the Whole on the bill from the Senate "for the relief of Alexander Scott." The Committee rose and reported amendments, which were concurred in by the House, and ordered to be engrossed for a third reading on Monday next.

The House resolved itself into a Committee of the Whole on the bill to continue in force, for a limited time, certain acts authorizing corps of Rangers for the protection of the frontier of the United States, and making appropriations for the same. The bill was reported with amendments, which were concurred in by the House; and the bill ordered to be engrossed, and read the third time to-day, which was subsequently done, and the bill passed.

The House resolved itself into a Committee of the Whole on the bill from the Senate "supplementary to the acts heretofore passed upon the subject of an uniform rule of naturalization," and on the amendments proposed thereto by the Committee of Foreign Relations; and, after some time

spent therein, the Committee rose, and reported their agreement to the said amendments; which were again read, and the first thereof concurred in, and the other two disagreed to by the House.

A motion was made by Mr. RUGGLES further to amend the bill, by adding a new section thereto; and the question being taken, it was determined in the negative.

A motion was then made by Mr. KING, of Massachusetts, to amend the bill by striking out the words "resident in the United States or the Territories thereof," in the second and third lines of the bill; and the question being taken, it was determined in the negative.

The bill was then further amended, and the amendments were ordered to be engrossed, and read the third time on Monday next.

The House resolved itself into a Committee of the Whole on the bill to provide for the widows and orphans of militia slain, and of militia disabled in the service of the United States. The bill was reported with amendments; which were concurred in by the House, and the bill ordered to be engrossed, and read the third time on Monday next.

The House resolved itself into a Committee of the Whole on the bill for the relief of Edwin T. Satterwhite. The bill was reported with an amendment; which was concurred in by the House, and the bill ordered to be engrossed, and read the third time on Monday next.

AMENDMENTS TO THE CONSTITUTION.

Mr. J. G. JACKSON said he rose to call the attention of the House and of the nation to a resolution proposing amendments of the Constitution in some of its important features. Not, however, with a view to ask a decision on any question involved in its scope during the present session; but in order, that, at the commencement of the next session, it should be taken up, and if sanctioned by Congress be presented to the State Legislatures in time to be acted on at their Winter sessions; so that the nation might possess the benefits it contemplated as soon as practicable. In the mean time, the members of Congress and the States can deliberate on the subject, and be prepared then to pronounce their decision.

The first amendment, said Mr. J., proposes to authorize Congress to lay a tax on exports—a power he conceived indispensable to counteract the measures of foreign nations, who tax their exports to this country, and collect from that source a large revenue annually, which falls upon the consumer, and consequently is a tax on the United States. Mr. J. said he considered them a legitimate object of taxation, and the truest policy dictated the imposition of the tax, provided the inhibition were repealed which he proposed. He repeated, he would not now go into an examination of the general policy of the measure, or an inquiry into the reasons which induced the prohibition, but he would say that he believed that if the power existed there would be no necessity to resort to a system of internal taxes—a power which might be so guarded and exercised as to

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prevent any possible abuses which might be apprehended.

The other three amendments might be consolidated in one, (Mr. J. said,) were it not that he was unwilling to hazard either by an unnecessary connexion of it with the others; and if either was agreed to, it would be gaining something which he desired, even if all were not assented to. They propose authorizing Congress to make roads and canals, and to establish a national bank; the first of which were linked with the internal prosperity of the country, and the last almost indispensable to a due administration of the fiscal concerns of the nation. I am aware (said Mr. J.) that many persons in the nation believe that Congress are already clothed with these powers; but it is equally true that a great portion, also, deny the authority; whilst almost all, I believe, agree that it is proper and necessary to possess it. It is, therefore, the dictate of sound reason to reconcile these opinions by the express grant, in preference to resorting to construction and implication, which are always dangerous and may be rendered wholly unnecessary. I shall for the present content myself with submitting the resolution for consideration, in order that it may be laid on the table and printed, and at an early day of the next session it is my design to call for its adoption.

Mr. J. then read the following resolution:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, That the following articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States, each of which, when ratified by three-fourths of the said Legislatures, shall be valid, to all intents and purposes, as part of the said Constitution:

1. Congress shall have power to lay a tax or duty on articles exported from any State.
2. Congress shall have power to make roads in any State, with the consent of the State within which the same shall be made.
3. Congress shall have power to make canals in any State, with the consent of the State within which the same shall be made.
4. Congress shall have power to establish a National Bank, with branches thereof, in any State or Territory of the United States.

Mr. J. said, it was his intention to limit the power of taxing exports to an *ad valorem* duty on the articles exported, but he thought it best to present the simple proposition without details, which may be supplied hereafter.

The resolution was ordered to lie on the table.

THE WAYS AND MEANS.

An engrossed bill laying duty on carriages for the conveyance of persons was read the third time, and on the question, "Shall the bill pass?" it passed in the affirmative—yeas 99, nays 52, as follows:

YEAS—Messrs. Alexander, Alston, Anderson, Archer, Avery, Bard, Barnett, Beall, Bowen, Bradley, Brown, Burwell, Butler, Caldwell, Calhoun, Cheves, Clark, Comstock, Conduct, Conard, Crawford,

Davis of Pennsylvania, Dawson, Denoyelles, Desha, Duvall, Eppes, Evans, Farrow, Findley, Fisk of Vermont, Forsyth, Franklin, Gholson, Glasgow, Goodwyn, Gourdin, Griffin, Grundy, Hall, Harris, Hasbrouck, Hopkins of Kentucky, Hubbard, Humphreys, Hungerford, Hyneman, Ingersoll, Ingham, Irwin, Jackson of Virginia, Kennedy, Kent of Maryland, Kerr, Kershaw, Kilbourn, King of North Carolina, Lefferts, Lowndes, Lyle, McCoy, McKee, McKim, McLane, Moore, Murfree, Nelson, Newton, Ormsby, Parker, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Richardson, Ringgold, Roane, Roberts, Robertson, Sage, Sevier, Seybert, Sharp, Skinner, Smith of Pennsylvania, Smith of Virginia, Strong, Tannehill, Taylor, Telfair, Troup, Ward, of New Jersey, Whitehill, Wilson of Pennsylvania, Wright, and Yancey.

NAYS—Messrs. Baylies of Massachusetts, Benson, Bigelow, Boyd, Bradbury, Breckenridge, Brigham, Champion, Cilley, Clopton, Cooper, Cox, Culpeper, Davenport, Ely, Gaston, Geddes, Gloninger, Hale, Hufty, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Lewis, Lovett, Macon, Markell, Miller, Mosley, Oakley, Pearson, Pickering, Pitkin, Potter, John Reed, Ruggles, Schureman, Sheffey, Sherwood, Smith of New York, Stanford, Sturges, Stockton, Taggart, Tallmadge, Thompson, Vose, Webster, Wheaton, White, Wilson of Mass., and Winter.

The House resolved itself into a Committee of the Whole on the bill from the Senate "to relinquish the claims of the United States in certain goods, wares, and merchandise, captured by private armed vessels." The bill was reported without amendment, and the question then recurred that the bill be read the third time; when Mr. PIRKIN moved that it be indefinitely postponed; and the question being stated, and debate arising thereon, the House adjourned.

MONDAY, July 12.

Mr. DAWSON, from the Committee for the District of Columbia, reported the bill from the Senate "to incorporate a fire insurance company in the District of Columbia," without amendment.—Laid on the table.

Mr. BONV, from the select committee, reported a bill to authorize the laying out and opening a road from Shawanee town, on the Ohio, to the town of Kaskaskia, in the Illinois Territory; which was read and ordered to lie on the table.

A motion made by Mr. BENSON, on Saturday, to direct the joint committee which was heretofore appointed to inquire and report as to the time when the House may adjourn, also to inquire when Congress may next meet, was taken up and agreed to.

An engrossed bill for the relief of Edwin T. Satterwhite was read the third time and passed.

An engrossed bill to provide for widows and orphans of militia slain, and of militia wounded in the actual service of the United States, was read the third time, and passed.

The bill from the Senate, "for the relief of Alexander Scott," was read the third time, and passed, as amended.

A message from the Senate informed the House

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that the Senate have passed the bill, "for the assessment and collection of direct taxes and internal duties," with amendments, in which they desire the concurrence of this House.

The House again resolved itself into the Committee of the Whole to whom was committed the bill for the assessment and collection of direct taxes and internal duties, and other tax bills, and after some spent therein the Committee rose and reported the bill laying a duty on salt imported into the United States, with amendments, and asked leave to sit again on the other subjects referred to them; which was granted.

Two Messages were received from the PRESIDENT OF THE UNITED STATES, as follows:

To the House of Representatives of the United States:

I transmit to the House of Representatives a report of the Secretary of State, containing the information requested by their resolutions of the 21st of June last.

JAMES MADISON.

WASHINGTON, July 12, 1813.

To the House of Representatives of the United States:

I transmit to the House of Representatives a report of the Secretary of State, containing the information requested by their resolution of the 21st of June last.

JAMES MADISON.

WASHINGTON, July 12, 1813.

The Messages and documents being read, were referred to the Committee of Foreign Relations, and five thousand copies of said Messages and documents ordered to be printed.

NATURALIZATION.

The bill from the Senate supplementary to the several acts for establishing an uniform rule of naturalization, as amended by this House, was read a third time.

Mr. KENNEDY, after adverting to the clause which limits the privilege of naturalization to those aliens who have made a declaration of their intention to become citizens, to which limitation he objected, moved that the bill should lie on the table, to afford to him and others an opportunity more maturely to examine its provisions with that of existing laws.

Mr. ROBERTS, who conceived there was some inconsistency or indefiniteness in the provisions of the bill, suggested the propriety of referring it to a select committee.

Mr. KENNEDY consenting to waive his motion, in favor of recommitment—

The bill was recommitted to a select committee of three members—57 to 53.

CAPTURED PROPERTY.

The unfinished business was resumed, viz: the consideration of the bill "to relinquish the claims of the United States to certain goods, wares, and merchandise, captured by private armed vessels."

[This bill releases all right and claim accruing to the United States, under the non-importation laws, to goods, wares, or merchandise, the property of British subjects, shipped from British ports since the declaration of war, which, having been captured by private armed vessels on the high and open seas, have been libelled and claimed in the courts of the United States, in all cases where

such goods, &c., shall be condemned as prize of war, for the benefit of the captors, &c.]

The question pending at the last adjournment, was on a motion for indefinite postponement. This question having been taken, was decided in the negative—yeas 53, nays 78.

Messrs. BENSON, FARROW, and SHEFFEY, opposed the passage of the bill; and Messrs. ROBERTS, RHEA, W. ALSTON, and WRIGHT, supported it.

The question on the passage of the bill was carried—79 to 64, as follows:

YEAS—Messrs. Alexander, Alston, Anderson, Avery, Bard, Barnett, Beall, Bowen, Brown, Burwell, Butler, Caldwell, Calhoun, Chappell, Clark, Clopton, Condict, Conard, Creighton, Davis of Pennsylvania, Dawson, Denoyelles, Desha, Duvall, Earle, Evans, Findley, Fisk of Vermont, Forney, Franklin, Goodwyn, Gourdin, Griffin, Grundy, Hall, Harris, Hasbrouck, Hopkins of Kentucky, Hubbard, Humphreys, Hyneman, Ingersoll, Ingham, Irwin, Kent of Maryland, Kerr, Kershaw, Lefferts, Lyle, Macon, McCoy, McKim, McLean, Moore, Nelson, Newton, Ormsby, Parker, Pickens, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ringgold, Roane, Roberts, Robertson, Sage, Sharp, Skinner, Smith of Pennsylvania, Smith of Virginia, Strong, Tannehill, Taylor, Telfair, Troup, Wilson of Pennsylvania, Wright, and Yancey.

NAYS—Messrs. Archer, Baylies of Massachusetts, Benson, Bigelow, Bowers, Bradbury, Breckenridge, Brigham, Caperton, Champion, Cheves, Cilley, Cooper, Cox, Culpeper, Davenport, Ely, Farrow, Forsyth, Gaston, Geddes, Gholson, Goldsborough, Grosvenor, Hale, Hanson, Hawes, Hufty, Hungerford, Jackson of Rhode Island, Kennedy, Kent of New York, King of Massachusetts, King of North Carolina, Lewis, Lovett, Lowndes, McKee, Miller, Moseley, Oakley, Pearson, Pickering, Pitkin, Potter, Richardson, Ridgely, Ruggles, Schureman, Sheffey, Sherwood, Shipherd, Smith of New York, Stanford, Stuart, Sturges, Taggart, Thompson, Vose, Ward of Massachusetts, Wheaton, Wilcox, Winter, and Wood.

TUESDAY July 13.

Ordered, That Mr. INGHAM, Mr. JOHN REED, Mr. CREIGHTON, and Mr. LEFFERTS, be appointed of the Committee on the Naval Establishment, in the room of Mr. SKINNER, Mr. STOCKTON, Mr. WARD of Massachusetts, and Mr. POST, who have obtained leave of absence for the remainder of the session.

Mr. FISK, of Vermont, from the Committee of Elections, made a report on the petition of Benjamin B. Blydenburgh and Peter A. Jay, contesting the election of Ebenezer Sage, and John Lefferts, which was read, and the resolution recommended by the committee was concurred in, as follows:

"*Resolved*, That the parties be allowed until the first Wednesday in the next session of Congress, to procure testimony relative to said election."

Mr. KILBOURN, from the select committee, reported a bill for the more effectual protection of the northwestern frontier, by granting donations of land to actual settlers, and for other purposes; which was twice read and committed.

Mr. GOLDSBOROUGH moved to print five thousand copies of so much of the Message of the 3d

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March last, as does not form a part of the communication of yesterday.—Negative, 64 to 63.

The amendments of the Senate to the assessment bill were referred to the Committee of Ways and Means.

FOREIGN RELATIONS.

Mr. CALHOUN, from the Committee on Foreign Relations, made the following report :

The Committee of Foreign Relations, to whom was referred the President's Message of the 12th instant and the accompanying documents, report : That they have examined the Message and documents with all the attention their importance demands. Your committee will not indulge themselves in making the various observations which the interesting subjects brought under their consideration naturally suggest. The delay incident to such a course, connected with the lateness of the session and the advanced season of the year, forbid so wide a range; but they cannot abstain from remarking that, while the Message and documents furnish strong additional proof of the justice and necessity of the war, they also present powerful motives for the steady and vigorous prosecution of it, and the surest means of a safe and honorable peace. It can now no longer be doubted, that it was the pressure of our measures, combined with the determination of Congress to redress our wrongs by arms, and not the repeal of the French decrees, that broke down the Orders in Council of 1807 and 1809; that dangerous system of monopoly by which we were, as to our commerce, in fact recolonized. Let us then persevere, and under a just Providence we doubt not of final success. The reward is worthy of the cost and privation. It is no less than the lasting peace and independence of ourselves, and our posterity.

There is another view of the subject which your committee are compelled to present to the House. It is due to justice to consider the Message and documents in relation to the conduct of the Executive. They are aware that on ordinary occasions it is not proper for this House to express sentiments of approbation or censure on the conduct of the President, but submit with deference, that as through this body he is responsible to the people for the faithful discharge of his duties, there are cases in which it is not only the right but the duty of this House to express its opinion. Such, in the judgment of your committee, is the present. The language of the resolutions, and the motives avowed by their supporters, leave no alternative. To be silent, would be to condemn. Upon a full investigation of the conduct of the Executive in relation to Great Britain and France, as disclosed in the Message and documents, your committee are of opinion, that a just course has been pursued towards both nations, and in no instance has the dignity, honor or interests of the United States been compromised.

Your committee therefore recommend the adoption of the following resolution :

"Resolved, That the conduct of the Executive in relation to the various subjects referred to in the resolutions of the 21st day of June, 1813, meets with the approbation of this House."

Mr. CALHOUN moved that the report be referred to a Committee of the Whole House, and made the order of the day for to-morrow (Wednesday.)

Mr. BENSON, of New York, moved to postpone

the subject to the second Monday in December next. He said the resolutions were explicit, and ought to have been answered distinctly, and the documents furnished with such an answer; instead of which the Secretary of State had entered into a long argument in justification of the conduct of the Administration and the war. This was unprecedented, and, in his opinion, improper. The House had asked the President for information as to certain facts, and had received a long plea in favor of the Government and the war. Besides, he said, many of the minority had left the city, and a fair expression of the opinion of the House could not be had at this time.

The postponement was opposed by several gentlemen.

Mr. CALHOUN could not consent to it, because he thought the subject was such as, in justice to the President, to require the decision of the House. The course adopted by the President was not unprecedented. In answer to the resolutions read the other day, Mr. Secretary Hamilton had made a long argumentative report. In this case it was peculiarly proper. Mr. C. said, when the resolutions were adopted, he had attempted to procure amendments, which would have prevented the necessity of such a report from the Secretary. He had failed in his attempts. He had foreseen this course and endeavored to prevent it. He could not agree to the postponement.

Mr. BENSON declared he had read no resolutions upon which Mr. Hamilton had made a report to the House. He had read resolutions asking information upon a subject, and the reply was made by the Secretary of State.

Mr. SHEFFEY said he was against the postponement. He thought the preposterous reasoning, and the sophistry of the report, ought to be exposed at this session. It had a tendency to impose upon the people, and ought to be stripped of its sophistry.

Mr. PEARSON was against the postponement. He thought the report, circulated as it was at public expense, was entitled to a full examination. It merited reply. He hoped, therefore, that the motion to postpone would be withdrawn.

Mr. BENSON said he would not differ with his friends, although he continued of the opinion, that a postponement was proper. He withdrew his motion.

Motions were then successively made, that it be made the order of the day for Thursday and for Monday; and another motion, that the whole should lie on the table, was made by Mr. KING, of North Carolina. Upon these motions there was a long desultory discussion. The remarks of such gentlemen as the reporter could hear are substantially subjoined.

Mr. RHEA said the subject ought to be taken up immediately. Gentlemen in opposition had obtained leave of absence. They might depart before the report might be considered. The subject should be acted upon without delay, and the resolution immediately passed.

Mr. SEYBERT was for Monday. He wished to

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get through the taxes, and other important business, and then he and other gentlemen would go home, leaving those who wished to discuss the report to do it at their leisure.

Mr. BURWELL made similar remarks, and added, that, in his opinion, it would be improper and unfair to begin a discussion, now that great numbers in opposition to the report had left the House and the city, under the most explicit understanding, that subjects of this kind were not again to be discussed during the present session. It had been so understood on all sides; and the gentleman who introduced the resolutions (Mr. WEBSTER) had left the city under this general impression. He thought it unfair and improper to bring on the subject in his absence, and under such circumstances. He was therefore for the longest day. Mr. B. said, although he had obtained leave of absence, he should not leave the House while any important business was before it.

Mr. GROSVENOR said, that he had not been able fully to comprehend the answer of the Secretary from only one reading. It consisted of an answer to the resolutions which, from his present impressions, was explicit, and he hoped from full examination would be satisfactory, producing the conviction which the advocates of the resolutions had anticipated. Appended to this answer was a very long argument of the Secretary, upon the subjects which had recently been discussed in the House. That argument, as far as he was able to comprehend it from one reading, contained nothing novel or remarkable for force and ingenuity; it was such as he had before frequently heard and read upon the same side of the subject; neither more conclusive or convincing to his mind than those which had preceded it. Whether it contained misstatements of a glaring nature he could not say until he should read it; if it did not, he knew of nothing which would entitle it to a discussion on this floor; let it go to the people; the subject could not be misunderstood.

He said, however, that if it should be necessary to discuss it, time ought to be given until Monday. It was long; could not be printed until to-morrow. It referred to many documents; a few new documents were furnished. The minority could not examine it, or compare the new documents with those heretofore furnished, and be ready to discuss it, if, indeed, they should deem a discussion necessary before Monday; he was for that day. But under the impression that the chairman of the committee would not call it up until a proper time had expired to examine it, nor press a premature decision, he had no objection that it should lie on the table.

Mr. TAYLOR, of New York, declared he thought an importance was given to the business which it did not merit; he was for laying it on the table until the important business of the House was through, and not suffer it to create discussions without object and without end.

Mr. BIBB was for laying it on the table; he

deprecated a protracted session, which a discussion of this subject would produce.

Mr. CALHOUN assured the House that nothing was farther from his intention, and that of the committee, than to introduce a discussion of the subject into the House. It was necessary and proper for the Secretary to go at length into the subject. It was equally necessary for the House to express their opinion upon the answer. This was the opinion at least of the Committee of Foreign Relations. As to any discussion, that would depend upon the manner in which the report was treated by the minority.

Mr. PITKIN was against consuming the time of the House upon this subject. He made many pertinent remarks tending to show that the course was novel and unprecedented.

Mr. GHOLSON said he regretted the observations of the gentleman from Georgia, (Mr. BIBB;) he considered the subject all important, that it should be promptly decided. As to the minority, they were forward enough to discuss this very subject the other day; but now they seemed to shrink from it.

Mr. GROSVENOR said he rose to repel the insinuation of the gentleman last up. If the gentleman had got it into his head that the minority wished to avoid, or feared a discussion of this, or any other subject, he never indulged a greater mistake; and he had no doubt the progress of this business would go far to undeceive the gentleman. All they demanded was, that as the paper was very long, was but ill understood, and could not be printed until to-morrow, that time should be allowed to read, to understand, and to discuss it fully and effectually.

Mr. GHOLSON asked if that gentleman (Mr. G.) was the organ of the minority. He had alluded to the gentleman from Connecticut and others in the minority.

Mr. GROSVENOR answered, he was his own organ. He had the honor to think, act, and speak, with the minority; and whenever a reflection was insinuated upon the honor of that minority, he should take the liberty publicly to repel it.

Mr. PITKIN declared that he had expressed no wish, nor had he any, to avoid a discussion; he had been totally misunderstood; he had heard no such wish on the part of the minority. Upon that subject he should judge for himself, when he should have an opportunity to read the report. But he protested against hurrying on any vote or discussion, before members had a full opportunity of examining the long report of the Secretary.

Mr. GASTON said he was against the report's lying on the table, and in favor of fixing a certain day. He was against the first course, because any gentleman might call it up at any time, whether gentlemen might be prepared to discuss it or not; he was in favor of an earlier day than Monday. He said, upon these minor points, a disposition to accommodate among members was always commendable. On points of importance let them remain inflexible; none would be more so than himself. But his impression was *now* that the subject ought to be discussed, and the

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sophistry of the answer exposed. But, before he could form an opinion, he wished to read and consider the report; if it demanded a discussion then, he should not shrink from it under any circumstances.

Mr. NELSON then rose, and spoke nearly as follows: Mr. Speaker, I am sorry that the chairman of the committee has receded one inch. I regret that he has endeavored to accommodate all. We all remember how the discussion was conducted the other day upon the resolutions. The gentlemen in the minority claimed the advantage and boasted of the victory. Sir, let us advance to this subject at once; I would not give the minority a longer day than the earliest mentioned, that is to-morrow. If we are not able to vindicate our measures, and sustain ourselves on this floor, let us abandon our places to the minority—to men who can sustain themselves here. I would not yield an inch; I would not permit delay; I would bring the subject immediately on; I am, therefore, for the earliest day.

Some remarks were made by other members tending to show that such precipitation prevented the possibility of discussion, as gentlemen well knew the report could not be laid on the table under two or three days.

The motion for Monday was negatived.

Mr. CALHOUN assented to Thursday, and it was made the order for that day; and five thousand copies ordered to be printed.

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The House proceeded to consider the amendments reported by the Committee of the Whole to the bill to lay a duty on salt imported into the United States: when the question was stated to concur with the Committee of the whole House in their first amendment, to wit: to strike out the words "passing of this act," and to insert the "first day of January next."

And a motion was made by Mr. WRIGHT, that the said bill be postponed indefinitely; and the question was then taken thereon, and determined in the negative—yeas 56, nays 88, as follows:

YEAS—Messrs. Baylies of Massachusetts, Benson, Bigelow, Bowers, Breckenridge, Brigham, Burwell, Butler, Caperton, Cilley, Cox, Culpeper, Davenport, Ely, Forney, Gaston, Geddes, Gloninger, Goldsborough, Grosvenor, Hale, Hanson, Hufty, Hungerford, Jackson of Rhode Island, Kent of New York, Kerr, King of Massachusetts, Lewis, Lovett, Macon, Miller, Mofitt, Oakley, Pearson, Pickering, Pitkin, Potter, Richardson, Ruggles, Sheffield, Sherwood, Shipherd, Smith of New York, Smith of Virginia, Stanford, Stuart, Sturges, Taggart, Thompson, Vose, Wheaton, White, Wilcox, Winter, and Wright.

NAYS—Messrs. Alston, Anderson, Archer, Avery, Barnett, Beall, Bibb, Bowen, Brown, Caldwell, Calhoun, Chappell, Cheves, Clark, Clopton, Comstock, Condict, Conard, Crawford, Davis of Pennsylvania, Desha, Duvall, Earle, Eppes, Evans, Farrow, Findley, Fisk of Vermont, Franklin, Gholson, Glasgow, Goodwyn, Gourdin, Griffin, Grundy, Hall, Harris, Hasbrouck, Hawes, Hopkins of Kentucky, Humphreys, Hyneman, Ingersoll, Ingham, Kennedy, Kershaw, Kilbourn, King of North Carolina, Lefferts,

Lowndes, Lyle, McCoy, McKee, McKim, McLean, Montgomery, Moore, Murfree, Nelson, Newton, Ormsby, Parker, Pickens, Piper, Plesants, John Reed, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ringgold, Roane, Roberts, Robertson, Sage, Sevier, Seybert, Sharp, Smith of Pennsylvania, Strong, Tannehill, Taylor, Telfair, Troup, Ward of New Jersey, Whitehill, Wilson of Pennsylvania, Wood, and Yancey.

The question was then taken to concur in the said first amendment, and passed in the affirmative—yeas 86, nays 57, as follows:

YEAS—Messrs. Baylies of Massachusetts, Beall, Benson, Bigelow, Bowers, Bradbury, Breckenridge, Brigham, Burwell, Caperton, Champion, Cheves, Cilley, Clopton, Cooper, Cox, Crawford, Culpeper, Davenport, Ely, Evans, Farrow, Forney, Franklin, Gaston, Gloninger, Goldsborough, Goodwyn, Grosvenor, Hale, Hanson, Hasbrouck, Hawes, Hopkins of Kentucky, Hubbard, Hufty, Hungerford, Hyneman, Jackson of Rhode Island, Kennedy, Kent of New York, Kerr, Kershaw, King of Massachusetts, Lovett, Macon, McCoy, Montgomery, Moseley, Nelson, Oakley, Parker, Pearson, Pickering, Pickens, Piper, Pitkin, Potter, John Reed, Rea of Pennsylvania, Rich, Richardson, Ridgely, Robertson, Ruggles, Sevier, Sheffield, Sherwood, Shipherd, Smith of New York, Smith of Virginia, Stanford, Stuart, Sturges, Taggart, Taylor, Thompson, Vose, Ward of New Jersey, Wheaton, White, Wilcox, Winter, Wood, Wright, and Yancey.

NAYS—Messrs. Alston, Anderson, Archer, Avery, Barnett, Bibb, Bowen, Brown, Caldwell, Chappell, Clark, Comstock, Condict, Conard, Davis of Pennsylvania, Desha, Duvall, Eppes, Findley, Fisk of Vermont, Gholson, Glasgow, Gourdin, Griffin, Grundy, Hall, Harris, Humphreys, Ingersoll, Ingham, Irwin, Jackson of Virginia, Kilbourn, King of North Carolina, Lefferts, Lowndes, Lyle, McKee, McKim, McLean, Moore, Murfree, Newton, Ormsby, Plesants, Rhea of Tennessee, Ringgold, Roane, Roberts, Sage, Seybert, Sharp, Smith of Pennsylvania, Tannehill, Telfair, Whitehill, and Wilson of Pennsylvania.

The residue of the said amendments were then further amended: when a motion was made by Mr. HALL, further to amend the said amendments, by striking out all of the same, except the clause which limits the continuance of the act until the end of the war and for one year thereafter.

And the question thereon being taken, it was determined in the negative—yeas 55, nays 79, as follows:

YEAS—Messrs. Alexander, Bard, Barnett, Beall, Bowen, Brown, Burwell, Caldwell, Chappell, Clopton, Conard, Crawford, Desha, Earle, Evans, Farrow, Forney, Forsyth, Franklin, Gholson, Goodwyn, Griffin, Grundy, Hall, Harris, Hawes, Hufty, Hyneman, Ingham, Irwin, Kennedy, Kerr, Kilbourn, Lyle, Macon, McCoy, McKim, Moore, Murfree, Nelson, Newton, Ormsby, Pickens, Piper, Rhea of Pennsylvania, Rhea of Tennessee, Ringgold, Roane, Roberts, Sharp, Smith of Pennsylvania, Stanford, Tannehill, Telfair, and Wright.

NAYS—Messrs. Alston, Anderson, Archer, Baylies of Massachusetts, Bibb, Bigelow, Bradbury, Breckenridge, Brigham, Caperton, Calhoun, Champion, Cheves, Cilley, Condict, Cooper, Cox, Culpeper, Davenport, Duvall, Ely, Eppes, Findley, Fisk of Vermont, Gaston, Geddes, Gloninger, Goldsborough, Gourdin, Hale, Hopkins of Kentucky, Hubbard, Humphreys, Hungerford,

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Ingersoll, Jackson of Rhode Island, Jackson of Virginia, Kent of New York, Kent of Maryland, Kershaw, King of Massachusetts, King of North Carolina, Lefferts, Lewis, Lovett, Lowndes, McKee, Miller, Moseley, Oakley, Pearson, Pickering, Pitkin, Pleasants, Potter, John Reed, Rich, Richardson, Ridgely, Robertson, Ruggles, Sage, Sevier, Seybert, Sheffield, Sherwood, Shipherd, Smith of Virginia, Sturges, Taggart, Taylor, Vose, Wheaton, White, Wilcox, Wilson of Pennsylvania, Winter, Wood, and Yancey.

On motion of Mr. MACON, the bill was ordered to lie on the table.

WEDNESDAY, July 14.

Mr. TROUP, from the Committee on Military Affairs, reported the bill from the Senate, "making an appropriation for the further defence of the ports and harbors of the United States," without amendment; and the bill was committed to a Committee of the Whole on Monday next.

Mr. TROUP, from the same committee, reported a bill authorizing the sale of sundry lots, the property of the United States, in the borough of Pittsburg; which was read twice, and committed to a Committee of the Whole on Saturday next.

Mr. TROUP, from the same committee, also reported a bill to regulate the allowance of forage to officers in the Army of the United States; which was read twice, and ordered to be engrossed, and read the third time to-day.

A message from the Senate informed the House that the Senate have concurred in the amendments of the House to the bill "for the relief of Alexander Scott," with amendments; in which they desire the concurrence of this House.

THE WAYS AND MEANS.

The House then resolved itself into a Committee of the Whole on the bill laying duties on licenses to retailers of wines, spirituous liquors, and foreign merchandise.

After the adoption of several unimportant amendments, Mr. BIBB moved so to amend the bill as to include in the tax wholesale, as well as retail, dealers.—Agreed to.

The Committee of the Whole then took up the bill laying a duty on bank notes, notes of hand, and foreign bills of exchange of certain descriptions.

Mr. BIBB explained the grounds on which he supported this measure at the present time.

Mr. TAYLOR, after some explanatory remarks, going to show the difficulty of collecting a revenue on stamped paper, and the great inconveniences of such a tax on the people, made a motion to strike out a part of the first section of the bill for laying a tax on promissory notes, &c., so as to impose a duty on bank notes alone.

Considerable discussion arose on this motion, in which Messrs. TAYLOR, WRIGHT, and JACKSON, supported the amendment; and Messrs. BIBB, ROBERTS, CLAY, and SEYBERT, opposed it. The question was taken, and decided in the negative—ayes 34. noes 64.

The Speaker (Mr. CLAY) then moved to amend

the bill, so as to confine the tax on notes, &c., to those negotiated at banks, with a view to except from stamp duties the ordinary country transactions by notes, &c.; which motion Mr. C. supported by a luminous and comprehensive view of the expediency and policy of the course he proposed.

After some remarks from Mr. JACKSON, approving the proposition of Mr. CLAY, but suggesting a variation of the proposed mode of collecting the tax, and in opposition to the amendment from Mr. WRIGHT, the question was taken on Mr. CLAY's motion, and carried without a division.

The bill having been gone through, and some further amendments made thereto, the Committee rose, reported the bill to the House as amended, and obtained leave to sit again on the remaining tax bills.

The House proceeded to consider the report of the Committee of the Whole; and, having gone through the first bill and agreed to the amendments reported by the Committee, a motion was made to adjourn, and carried.

THURSDAY July 15.

A message from the Senate informed the House that the Senate have passed the bill "to establish the town of Mobile a port of entry," with amendments, in which they desire the concurrence of this House.

The amendments were read, and concurred in.

Mr. BIBB, from the Committee of Ways and Means, reported the agreement of that committee to the amendments of the Senate to the bill "for the assessment and collection of direct taxes and internal duties," with an amendment; which, together with the amendments of the Senate, were read, and concurred in by the House.

Mr. ROBERTS, from the committee to whom was recommended the bill from the Senate "supplementary to the acts heretofore passed on the subject of a uniform rule of naturalization," reported the same with amendments; which were read, and referred to a Committee of the Whole on Saturday next.

The following order was moved by Mr. GOLDSBOROUGH:

"Ordered, That five thousand copies be printed of the resolution passed by this House on the first day of March last, requesting certain information from the President of the United States; relative to the French decree purporting to be a repeal of the Berlin and Milan decrees, and of the communication made to this House by the President, on the third of the same month, in consequence of that resolution, and also of the resolutions of the House of the 21st of June last, requesting further information on the same subject."

And on the question that the House do now proceed to consider the said order, it was determined in the negative—yeas 52, nays 77.

The amendment of the Senate to the amendment of this House to the bill "for the relief of

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Alexander Scott" was read, and referred to the Committee of the whole House to-day.

An engrossed bill to regulate the allowance of forage to officers in the Army of the United States, was read the third time, and passed.

A message from the Senate informed the House that the Senate have passed a bill "authorizing the payment for wagons and teams captured or destroyed by the enemy at Detroit," in which they desire the concurrence of this House.

The said bill was read, and referred to the Committee of Claims.

Ordered, That the bill laying duties on bank notes, and on notes of hand, and foreign bills of exchange, of certain descriptions, do lie on the table.

The House then resolved itself into a Committee of the Whole on the bill from the Senate "making an appropriation for the further defence of the ports and harbors of the United States;" and, after some time spent therein, the bill was reported without amendment, read the third time, and passed.

A message from the Senate informed the House that the Senate have disagreed to the amendment of this House to their amendment to the bill "for the assessment and collection of direct taxes and internal duties."

THE WAYS AND MEANS.

The House resumed the consideration of the bill laying duties on licenses to retailers of wines, spirituous liquors, and foreign merchandise.

A motion was made by Mr. BIBB to reconsider the vote of yesterday, concurring in the amendment to insert the words "except in case of pedlars," in the twenty-fifth line of the first section. And the question being taken, it passed in the affirmative.

The question was then again taken to concur in the said amendment, and was determined in the negative.

A motion was made by Mr. TAYLOR to reconsider the vote of yesterday, concurring in an amendment to come in at the end of the first section. And the question being taken it was determined in the negative.

A motion was then made by Mr. PITKIN further to amend the said bill, by striking out from the first section the following words:

"That every person who shall deal in the selling of any goods, wares, or merchandise, except such as are of the growth, produce, or manufacture, of the United States, and except such as are sold in the original cask, case, box, or package, wherein the same shall have been imported, shall be deemed to be, and hereby is declared to be, a retail dealer in merchandise within the meaning of this act."

And the question being taken, it was determined in the negative—yeas 37, nays 90, as follows:

YEAS—Messrs. Baylies of Massachusetts, Benson, Bradbury, Breckenridge, Brigham, Caperton, Champion, Cilley, Davenport, Ely, Gaston, Grosvenor, Hufty, Jackson of Rhode Island, Kent of New York,

King of Massachusetts, Lewis, Lovett, Miller, Moseley, Oakley, Pearson, Pitkin, Potter, John Reed, Ridgely, Robertson, Ruggles, Sherwood, Shipherd, Sturges, Taggart, Thompson, Vose, White, Wilcox, and Wilson of Pennsylvania.

NAYS—Messrs. Alexander, Alston, Anderson, Archer, Bard, Barnett, Beall, Bibb, Bowen, Brown, Butler, Caldwell, Calhoun, Chappell, Cheves, Clark, Clopton, Comstock, Conduct, Conard, Creighton, Crawford, Davis of Pennsylvania, Dawson, Desha, Earle, Eppes, Evans, Farrow, Findley, Fisk of Vermont, Forney, Forsyth, Franklin, Gholson, Glasgow, Gourdin, Griffin, Grundy, Hall, Harris, Hawes, Hopkins of Kentucky, Hubbard, Humphreys, Hungerford, Hyneman, Ingersoll, Ingham, Irwin, Kennedy, Kent of Maryland, Kerr, Kershaw, Kilbourn, King of North Carolina, Lelferts, Lowndes, Lyle, Macon, McCoy, McKim, McLean, Montgomery, Moore, Murfree, Nelson, Newton, Parker, Pickens, Piper, Rea of Pennsylvania, Rhea of Tennessee, Rich, Richardson, Roberts, Roane, Sevier, Sharp, Smith of Pennsylvania, Stanford, Strong, Tannhill, Taylor, Telfair, Troup, Ward of New Jersey, Whitehill, Wright, and Yancey.

A motion was then made by Mr. KING, of Massachusetts, to amend the bill by adding the following proviso to the end of the first section:

"*And provided further*, That nothing in this act contained shall prevent the owner, master, mate, and mariners, of any vessel of the United States, of not more than one hundred and fifty tons burden, from selling their respective proportions of the return cargo of such vessel, in the original cask, case, box, or package, wherein the same shall have been imported, in the same manner as though this act had never been passed."

And the question being taken, it passed in the affirmative.

The said bill was then further amended at the Clerk's table, and ordered to be engrossed, and read the third time to-morrow.

The House resumed the consideration of the amendments reported by the Committee of the Whole to the bill laying duties on bank notes, and on notes of hand, and foreign bills of exchange, of certain descriptions; and the said amendments being again read at the Clerk's table, were severally concurred in by the House.

A motion was then made by Mr. KING, of Massachusetts, further to amend the bill, by adding the following proviso to the end of the first section, to wit:

"*Provided further*, That where any bank, by the existing laws of any State, now pays a tax on the capital stock or dividend of such bank to such State, such tax shall be deducted from the amount of the tax imposed by this act."

And the question being taken, it was determined in the negative.

Mr. KING again moved further to amend the bill, by adding the following proviso to the end of the second section, to wit:

"*Provided*, That where any bank, by the existing laws of any State, now pays a tax to such State on the capital stock or dividend of such bank, such tax shall be deducted from the composition allowed by this act; provided it does not exceed one per cent. on the amount of the annual dividend of such bank."

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And the question being taken, it was determined in the negative.

A motion was then made by Mr. TAYLOR, further to amend the bill by striking out from the first section the following words:

"On any bond, obligation, or promissory note, or notes, not issued by any bank, companies, or bankers, as aforesaid, discounted by any such bank, companies, or banker, and on any foreign or inland bill or bills of exchange, above fifty dollars, and having one or more endorsers, according to the following scale, to wit:

If not exceeding one hundred dollars, five cents.

If above one hundred, and not exceeding two hundred dollars, ten cents.

If above two hundred, and not exceeding five hundred dollars, twenty-five cents.

If above five hundred, and not exceeding one thousand dollars, fifty cents.

If above one thousand, and not exceeding one thousand five hundred dollars, seventy-five cents.

If above one thousand five hundred, and not exceeding two thousand dollars, one dollar.

If above two thousand, and not exceeding three thousand dollars, one dollar and fifty cents.

If above three thousand, and not exceeding four thousand dollars, two dollars.

If above four thousand, and not exceeding five thousand dollars, two dollars and fifty cents.

If above five thousand, and not exceeding ten thousand dollars, five dollars.

If above ten thousand, and not exceeding fifty thousand dollars, twenty-five dollars.

If above fifty thousand, and not exceeding one hundred thousand dollars, fifty dollars.

If above one hundred thousand dollars, one hundred dollars."

And the question being taken, it was determined in the negative—yeas 40, nays 90, as follows:

YEAS—Messrs. Avery, Benson, Breckenridge, Butler, Brigham, Caperton, Cilley, Comstock, Davenport, Fisk of Vermont, Gaston, Hanson, Hasbrouck, Jackson of Rhode Island, Kennedy, Kent of New York, Kent of Maryland, Lewis, Macon, McKim, Miller, Moseley, Oakley, Pearson, Potter, John Reed, Rich, Ruggles, Sherwood, Smith of New York, Stanford, Strong, Stuart, Taylor, Vose, Ward of New Jersey, White, Wilson of Massachusetts, Winter, and Wright.

NAYS—Messrs. Alexander, Alston, Anderson, Archer, Bard, Barnett, Baylies of Massachusetts, Beall, Bibb, Bowen, Brown, Burwell, Caldwell, Calhoun, Champion, Chappell, Cheves, Clopton, Conard, Crawford, Creighton, Culpeper, Davis of Pennsylvania, Dawson, Desha, Duvall, Earle, Ely, Eppes, Evans, Farrow, Findley, Forney, Forsyth, Franklin, Gholson, Glasgow, Gloninger, Goodwyn, Gourdin, Griffin, Grundy, Hall, Hawes, Hufty, Hungerford, Hyneman, Ingersoll, Irwin, Kerr, Kershaw, Kilbourn, King of Massachusetts, King of North Carolina, Lefferts, Lovett, Lowndes, Lyle, McCoy, McKee, McLean, Montgomery, Moore, Murfree, Nelson, Newton, Pickens, Piper, Pitkin, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Richardson, Ridgely, Roane, Roberts, Robertson, Sevier, Seybert, Sharp, Sheffield, Shipherd, Smith of Pennsylvania, Sturges, Telfair, Troup, Whitehill, Wilcox, Wilson of Pennsylvania, and Yancey.

The said bill was further amended, and on the

question that the same be engrossed for a third reading, it passed in the affirmative, yeas 90, nays 50, as follows:

YEAS—Messrs. Alexander, Alston, Anderson, Archer, Avery, Bard, Barnett, Beall, Bibb, Bowen, Brown, Burwell, Caldwell, Calhoun, Chappell, Cheves, Clark, Clopton, Comstock, Condict, Conard, Crawford, Creighton, Davis of Pennsylvania, Dawson, Desha, Duvall, Eppes, Evans, Farrow, Findley, Forney, Forsyth, Franklin, Gholson, Glasgow, Goodwyn, Gourdin, Griffin, Grundy, Hall, Harris, Hasbrouck, Hawes, Hopkins of Kentucky, Hubbard, Humphreys, Hungerford, Hyneman, Ingersoll, Ingham, Irwin, Kennedy, Kerr, Kershaw, Kilbourn, King of North Carolina, Lefferts, Lowndes, Lyle, Macon, McCoy, McKee, McLean, Montgomery, Moore, Murfree, Nelson, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Richardson, Roane, Roberts, Robertson, Sevier, Seybert, Sharp, Smith of Pennsylvania, Smith of Virginia, Tannohill, Taylor, Telfair, Troup, Whitehill, Wilson of Pennsylvania, and Yancey.

NAYS—Messrs. Baylies of Massachusetts, Benson, Bigelow, Bradbury, Breckenridge, Brigham, Caperton, Champion, Cilley, Culpeper, Davenport, Ely, Fisk of Vermont, Gaston, Geddes, Gloninger, Goldsborough, Grosvenor, Hanson, Hufty, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Lewis, Lovett, McKim, Miller, Moseley, Oakley, Parker, Pearson, Pickering, Pitkin, Potter, John Reed, Ruggles, Sheffield, Sherwood, Shipherd, Stanford, Stuart, Sturges, Thompson, Vose, Ward of New Jersey, White, Wilcox, Wilson of Massachusetts, Winter, and Wright.

The bill was then ordered to be read the third time to-morrow.

On motion of Mr. STUART, the House was cleared of all persons except the Members, Clerk, Sergeant-at-Arms, and Doorkeeper, and the doors were closed; and after remaining so for some time, they were opened, and the House adjourned.

FRIDAY, July 16.

A message from the Senate informed the House that the Senate have passed a "bill for the remission of certain duties to the Pennsylvania Academy of the Fine Arts;" also, a bill "concerning suits and costs in the courts of the United States;" also, a bill "for the relief of Elisha J. Winter;" and a "resolution respecting a day of public humiliation and prayer;" in which bills and resolution they desire the concurrence of this House. The Senate have passed the bill "to establish the office of Commissioner of the Revenue;" with an amendment, in which they desire the concurrence of this House.

An engrossed bill "to authorize the transportation of certain documents free of postage" was read the third time and passed.

A message from the Senate informed the House that the Senate have passed a bill "to prohibit the use of licenses or passes, granted by the authority of the Government of the United Kingdom of Great Britain and Ireland," in which they desire the concurrence of this House.

The bill was read twice, and referred to the Committee on Foreign Relations.

Mr. NELSON, from the Committee on the Naval

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Property lost at Detroit.

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Establishment, reported a bill supplementary to the act, entitled "An act to encourage the destruction of the armed vessels of war of the enemy," passed the third of March, 1813; which was read twice, and committed to a Committee of the Whole to-morrow.

Leave was given to introduce a bill to authorize the transportation of certain documents free of postage; which was read twice, and ordered to be engrossed, and read the third time to-day.

The House proceeded to consider the message from the Senate, disagreeing to the amendment of this House to the amendment of the Senate to the bill "for the assessment and collection of direct taxes and internal duties;" whereupon, the House recessed from their said amendment.

Ordered, That Mr. TAYLOR, Mr. RICHARDSON, and Mr. YANCEY, be appointed of the Committee of Foreign Relations, in the place of Mr. JACKSON, of Virginia, Mr. FISK, of New York, and Mr. WEBSTER, who are absent on leave.

PROPERTY LOST AT DETROIT.

Mr. ARCHER, from the Committee of Claims, reported the bill from the Senate "authorizing the payment for wagons and teams, captured or destroyed by the enemy at Detroit," with amendments; which were read, and, with the bill, committed to a Committee of the Whole to-morrow. The report is as follows:

"That it appears from the documents submitted to them, that the property taken at Detroit by the enemy consisted principally of wagons and teams hired by the deputy quartermaster to the army, under the command of General Hull, for the purpose of transporting the army and the necessary baggage of that army to the place of its destination. By the estimation of the quartermaster, the private property taken and detained amounted in value to the sum of twenty-three thousand dollars and nine cents. It is, however, evident that this estimation is merely conjectural, because upwards of thirty wagons and teams which had been hired, and which were captured or destroyed, were never appraised: the owners of this property voluntarily entered into the public service, for an equivalent in money. Orders for the impressment of wagons and teams had been made out, but were never issued or executed in consequence of the owners of this property voluntarily entering it for hire into the public service. It is stated by the quartermaster, that intimations were given by him, as well as by other agents of the Government, to the proprietors of this property, that in the event of its being captured by the enemy, or destroyed in the service, they would be reimbursed; but no positive engagements to that effect were entered into.

"It further appears to your committee, that Colonel James Findley, of the Ohio volunteers, and James Taylor, acting quartermaster general to the Northwestern army, did protest against the detention of all the property, for the loss of which this bill offers a remuneration, inasmuch as it was private property, and under the articles of capitulation, signed at Detroit, on the 16th of August, 1812, was to be respected.

"The foregoing statement of facts, as they are found to exist in this case, presents two questions for the consideration of the House.

"1st. How far the circumstance of the owners of

the property having entered it voluntarily, for hire, into the public service, exonerates the Government from the claim of the different individuals to remuneration?

"2d. Whether it would be expedient for the United States to remunerate those whose property was destroyed, contrary to the articles of capitulation signed at Detroit?

"With regard to the first question, your committee have only to observe, that they cannot distinguish the case of the present claimants from that of an individual who should hire any species of property to another for service, in a hazardous enterprise, and which should be lost or destroyed, without the fault or negligence of the individual to whom the property was hired. Both parties are aware of the danger to which the property will be exposed, and your committee would presume that in such a case responsibility could neither legally nor equitably exist. In the case before us, every individual must be supposed to know the danger to which his property would be exposed. The nature of the enterprise precludes the possibility of a contrary supposition. Indeed, the anxiety which the owners of this property evinced to know what would be the ultimate determination of the Government in the event of the loss, sanctions the existence of much apprehended danger on their part. Nor does it appear that the expression of an opinion favorable to the wishes of the claimants, by several of the agents of the Government, should have any operation in the establishment of the justice of their claims; because these agents, evidently upon such a subject, could give no assurance which could, in justice, be binding on the Government. If these individuals had entered their property into the public service by any compulsory process on the part of the officers of the United States, the committee would not hesitate to say that they ought to be remunerated to the extent of all consequential losses. But, as they voluntarily hired their property, it cannot be discovered that their case differs in any one particular from the numerous class of contracts which daily take place in society.

"In regard to the second consideration, it does not appear that the claimants are more entitled to the favorable interposition of Congress. This property, inasmuch as it belonged to private citizens, was, by the articles of capitulation, to be respected. It would doubtless be the duty of the United States to claim of the Government of Great Britain remuneration to the full amount of property destroyed by its agents contrary to the articles of capitulation solemnly entered into. Such stipulations should ever be inviolably adhered to by the contracting parties. And the nation, whose citizens are injured by such a violation, has a fair claim against the party violating them. On this view of the subject, it appears that the bill is premature, inasmuch as, from the present relations existing between the two nations, indemnification could not have been obtained by the United States. Great Britain has, in the present instance, violated an *express* obligation. By the wanton destruction and plunder of private property, in our villages on the seacoast, she has violated an *implied* obligation. The obligation in the latter case is as strong as in the former; for she is certainly implicitly bound to adhere to the mode of warfare practised by all civilized nations, as much as she could possibly be to preserve inviolate the provisions of any express stipulation. If this position be correct, and the present bill should pass, every indi-

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vidual in the nation who had sustained injury by the wanton plunder and destruction of private property by the enemy, would have an equally fair claim to an ample remuneration for all losses which they have sustained. Such an indemnification, granted to the full extent, would exhaust the resources of the nation, in a war protracted to any considerable length of time, against a nation who possesses so many powerful means of annoyance. The magnitude of the sum thus to be granted would, in itself, in a political point of view, manifest the impolicy of the grant. Indeed, it does not appear to your committee but that upon the same principle the United States would be bound to indemnify all her numerous citizens whose property had been captured under the unlawful edicts of the European Governments; because all Governments are under a moral obligation to respect the law of nations. Yet, it is presumed, that no one will attempt to show the responsibility of the United States in such cases, until, on the part of their citizens, they had obtained indemnification from the Governments thus violating their rights.

"The committee, therefore, according to the best views which they are enabled to take of the subject, cannot forbear expressing the opinion, that the bill above alluded to ought not to pass."

THE WAYS AND MEANS.

The House resumed the consideration of the bill to lay a duty on imported salt. The question recurred on concurring in the second amendment reported by the Committee of the Whole House.

A motion was made by Mr. MACON, to amend the said amendment, by inserting the following section, to come in as the third section of the bill:

SEC. 3. *And be it further enacted*, That no bounty, drawback, or allowance, shall be made, under the authority of this act, unless it shall be proved, to the satisfaction of the Collector, that the pickled fish or salted provisions for which the bounty, drawback, or allowance, shall be claimed, was wholly cured with foreign salt, and on which a duty shall have been secured or paid.

MR. JOHN REED.—Mr. Speaker, it was not my intention to have troubled this House with any observations at this time. But, sir, I consider it my duty to offer some plain and obvious reasons in favor of the proposed amendment; and also to read some extracts from an able and elaborate report of a former Secretary of State on the subject.

The amendment now under consideration, to the bill laying a duty of twenty cents per bushel on imported salt, makes an allowance to vessels engaged in the cod fisheries under certain limitations and restrictions as therein provided, and also allows a drawback on the exportation of pickled fish and salted provisions. The allowance and drawback abovementioned are intended as an equivalent to the duty paid on the salt used in the curing and preserving fish and meat.

I would state to this House that, in the curing and preserving codfish, great quantities of salt, especially in comparison with the value of fish cured and preserved, are absolutely requisite. I believe the remark equally true as it respects pickled fish.

If a duty of twenty cents per bushel be laid on all foreign salt, as contemplated by the bill on your table, and the proposed amendment should not prevail, this tax would be oppressive on fishermen beyond all precedent or endurance.

Shall I be permitted to state some cases for the consideration of this House? Suppose a fishing vessel of seventy tons burden use 1,500 bushels of salt in the fishing season; a duty of twenty cents per bushel would amount to three hundred dollars. If all the profits to all the fishermen and owners of such vessel as I have described during the fishing seasons and markets would amount to nine hundred dollars, then, by the proposed tax of three hundred, you take from their pockets 33 $\frac{1}{3}$ per cent., or one-third part of all the income and profits of fishermen.

The gentleman from North Carolina (Mr. PICKENS) has several times addressed this House on the proposed amendment. That gentleman observed yesterday that the salt tax would bear very hard on his constituents. He stated that in the district he had the honor to represent salt sold for about two dollars per bushel, that the addition of twenty cents would be a severe burden; at the same time, that gentleman seems much opposed to any amendment which has for its object the relief of any portion of the community from the proposed duty. Other gentlemen have advanced the same sentiments. If a farmer use fifteen or thirty bushels of salt he must pay a tax to this Government of three dollars or six dollars. If a fisherman, possessed of the same value of property, and having the same income, should use 1,500 or 3,000 bushels of salt, of course he would pay a tax to this Government of three hundred or six hundred dollars. The hypothetical statements I have made, I believe substantially true. I will not for a moment believe any gentleman in this House, while he complains of burdens about to be laid on his own constituents, almost too heavy to be borne, will consent to lay burdens one hundred fold heavier on any portion of the inhabitants of any section of the United States.

Again, by the Constitution we have no power to tax the exports of our own country; and by a provision in the bill on your table, conformable to the uniform policy of the country, when salt imported is again exported, a drawback is allowed. If no duty can be laid on our own exports, and a drawback of duties paid be allowed on the exportation of foreign merchandise, I am unable to perceive any good reason, founded either in justice or the fitness of things, why those who pay the duties on salt necessarily used in preserving fish and meats should not be entitled to the like advantages on the exportation of the same, as they would have been, if the salt had not been usefully employed. It can certainly be no objection in the mind of any man that the salt is incorporated with the fish—a production of this country of so little profit to the fisherman and so highly advantageous to the United States. The quantity of salt necessarily used can be easily ascertained. I do not believe the allowance proposed adequate to the duty on salt which must neces-

sarily be used. It certainly ought to be our object to tax every portion of the inhabitants of the United States as equally as possible. It is my solemn and deliberate opinion that those engaged in the fisheries now pay this Government more, in proportion to the value of their property, than any other class of citizens in the United States. They pay various taxes not known to those not engaged in navigation. Tonnage duty alone, and the trouble and vexation of paying it, is a much heavier tax than the land and house tax, so much feared and dreaded. I can by no means agree with the honorable gentleman from Virginia, who stated a few days since that ship owners did not at all regard the tonnage duty, as they charged it to the consumers. To fishermen, at least, it is a tax. It takes the money directly from them, and places it in your treasury. They can recover nothing of the tax paid from the consumers, as European nations are the consumers, and we are wholly unable to regulate or control their markets. The above remark is equally true and applicable to the duty paid on salt.

The amendment proposed is most important as it affects the interests of the nation. You can obtain little from fishermen. The business is too poor; it will not afford it. They are now distressed more than any other class of citizens. I assure you they cannot pay into your Treasury one third of all the profits of their voyages. If, therefore, you prosecute the notions of some, you may destroy the fisheries, but will gain very little revenue.

Shall I call the attention of this House to England and France as examples for us? Much as those nations need revenue, they have not resorted to taxation of their fisheries. They have uniformly encouraged their fisheries. They have laid duties on the importation of foreign fish, or prohibited them altogether, and given bounties to their own fishermen. Shall we tax our fisheries, and to so great an amount? I trust not.

The fisheries have been justly considered the nurseries of seamen; the best seamen in the world. Without fisheries we can have but few good seamen, unless we continue to employ foreigners, which will always involve us in war. Without seamen we can have no commerce. I certainly shall not attempt to prove to this House the intimate and necessary connexion between commerce and agriculture and manufactures, and every other species of interest in the country.

"The loss of seamen unnoticed would be followed by other losses in a long train. If we have no seamen our ships will be useless, consequently our ship timber, iron, and hemp, our ship-building, will be all at an end; ship-carpenters go over to other nations; our young men have no call to the sea; our produce, carried in foreign bottoms, be saddled with war freight and insurance, in time of war."

"France, sensible of the necessity of balancing the power of England on the water, and, therefore, of improving every resource for raising seamen, and seeing that her fishermen could not maintain their competition without some public patronage, adopted the ex-

periment of bounties on her own fish, and duties on that of foreign nations brought into her markets.

"The plan of the English Government since the peace, has been to prohibit all foreign fish in their markets, and they have given from eighteen to fifty pounds sterling, on every fishing vessel complying with certain conditions. This policy is said to have been so far successful as to have raised the number of seamen employed in that business, since 1786, to fourteen thousand, and the quantity of fish taken to seven hundred and thirty-two thousand quintals.

"A view of the cod fishery enables us to mark the fact that it is too poor a business to be left to itself, even with the nation most advantageously situated.

"The cod and whale fisheries carried on by different persons, from different ports, in different vessels, in different seas, and seeking different markets, agree in one circumstance, in being as unprofitable to the adventurer as important to the public."

"On the whole, the historical view we have taken of the fisheries, proves they are so poor in themselves as to come to nothing with distant nations who do not support them with their treasury. We have seen that the advantages of our position place our fisheries on a ground somewhat higher, such as to relieve our treasury from the necessity of giving them support, but not to permit it to draw a support from them, nor to dispense the Government from the obligation for effectuating free markets for them."

In every view in which I have been able to examine the subject, it does appear to me that the proposed amendment ought to be adopted. I do believe it comports with the true policy of the United States as well as the interest of those whom it is intended more immediately to affect.

If we look back to the commencement of the law laying a duty on salt in the year 1790, we shall find a drawback of ten cents per quintal was also allowed on the exportation of dried fish. A drawback was also allowed on the barrel on the exportation of provisions and pickled fish.

The law allowing a drawback on the exportation of dried fish, was repealed in the year 1792, but an allowance was made to vessels engaged in the cod fishery similar to the allowance proposed by the amendment on your table. This allowance was understood and expressed to be in lieu of a drawback of the duty paid on salt, and as a commutation and equivalent therefor.

In the year 1792 the duty on salt was increased. The allowances and drawbacks were proportionably increased. And in the year 1797, when the duty was again increased to twenty cents, as now proposed, the allowance and drawback were again proportionably increased, and so continued until the year 1807, when the salt tax was repealed.

I consider it improper to call the allowance proposed by the amendment a bounty, as some gentlemen are disposed to call it. It is no bounty. It will not amount to the duty paid by the fishermen on salt.

Nor will the proposed allowance benefit the merchant as has been suggested by some gentlemen in this House. In a fishing voyage all are partners, from the owner of the vessel and master to the cook. Each person on board must pay a proportion of the duty on the salt used, and will

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receive of any allowance which may be made in proportion to the fish he may take. This may be known from the fishing law passed this session. I confidently trust we shall not, while at war professedly for sailor's rights; while we are contending with the enemy with our right hand, destroy those sailors with our left hand.

The question being taken on Mr. MACON's amendment, it passed in the affirmative.

A motion was made by Mr. FISK of Vermont, further to amend the bill, by striking out the following words, from the eighth to the eleventh lines, inclusively: "and on all provisions salted within the United States, (dried fish excepted,) and exported therefrom, subsequent to the said day, there shall be allowed and paid a bounty of twenty cents per barrel."

And the question thereon being taken, it passed in the affirmative.

A motion was made by Mr. MACON, that the further consideration of the bill be postponed until the first Monday in November next; the question being taken, it was determined in the negative—yeas 51, nays 85, as follows:

YEAS—Messrs. Baylies, of Massachusetts, Benson, Bigelow, Bowers, Bradbury, Brigham, Burwell, Butler, Caperton, Champion, Cilley, Culpeper, Davenport, Ely, Forney, Franklin, Gaston, Geddes, Gloninger, Goldsborough, Hufty, Hungerford, Jackson of Rhode Island, Kent of New York, Kent of Maryland, Lewis, Lovett, Macon, Moseley, Oakley, Pearson, Pickering, Pitkin, Potter, Richardson, Ridgely, Ruggles, Smith of New York, Smith of Virginia, Stanford, Stuart, Sturges, Taggart, Thompson, Vose, Wheaton, White, Wilcox, Wilson of Massachusetts, Winter, and Wright.

NAYS—Messrs. Alexander, Alston, Anderson, Archer, Avery, Bard, Barnett, Beall, Bibb, Bowen, Brown, Caldwell, Chappell, Cheves, Clark, Clopton, Comstock, Conard, Creighton, Davis of Pennsylvania, Desha, Duvall, Earle, Eppes, Evans, Farrow, Findley, Fisk of Vermont, Gholson, Goodwyn, Gourdin, Griffin, Grundy, Hall, Harris, Hasbrouck, Hawes, Hopkins of Kentucky, Hubbard, Humphreys, Hyneman, Ingersoll, Ingham, Kennedy, Kerr, Kershaw, Kilbourn, King of Massachusetts, King of North Carolina, Lefferts, Lowndes, Lyle, McKee, McKim, McLean, Montgomery, Moore, Nelson, Newton, Ormsby, Parker, Pickens, Piper, Pleasants, John Reed, Roa of Pennsylvania, Rhea of Tennessee, Rich, Ringgold, Roane, Roberts, Robertson, Sevier, Seybert, Sharp, Smith of Pennsylvania, Strong, Tannehill, Taylor, Telfair, Troup, Ward of New Jersey, Wilson of Pennsylvania, Wood, and Yancey.

On motion of Mr. BIBB, the said amendment was further amended; when the question was again stated, to concur in the said amendment as amended, and passed in the affirmative.

A motion was made by Mr. MACON further to amend the bill, by striking out the words, "of twenty cents per bushel," and, in lieu thereof, to insert, "thirty-three and one-third per cent. ad valorem."

And the question thereon being taken, it was determined in the negative.

A motion was made by Mr. PICKENS further to amend the said bill, by striking out the words,

"with respect to drawbacks," in the ninth line of the first section, and to insert, after the word "States," in the eleventh line of the same section, the words, "Provided, That drawback shall in no case be allowed."

And the question being taken, it passed in the affirmative.

A motion was made by Mr. YANCEY to amend the bill, by striking out the words "twenty cents," in the third line of the first section, the duty proposed to be laid on a bushel of salt, and, in lieu thereof, to insert "ten cents."

The motion being modified, by the mover, to read twelve and a half cents, the question was taken to agree to the said amendment, and determined in the negative—yeas 69, nays 70, as follows:

YEAS—Messrs. Baylies of Massachusetts, Benson, Bigelow, Breckenridge, Brigham, Burwell, Butler, Caperton, Champion, Cilley, Culpeper, Davenport, Ely, Evans, Farrow, Franklin, Gaston, Gloninger, Goldsborough, Goodwyn, Hall, Hanson, Hasbrouck, Hawes, Hufty, Hungerford, Jackson of Rhode Island, Kennedy, Kent of Maryland, Kerr, Kershaw, Lewis, Lovett, Macon, McCoy, Miller, Moore, Moseley, Nelson, Oakley, Pearson, Pickering, Pickens, Piper, Pitkin, Potter, Rea, of Pennsylvania, Rich, Richardson, Ruggles, Sherwood, Shipphard, Smith of New York, Smith of Virginia, Stanford, Stuart, Sturges, Taggart, Thompson, Vose, Ward of New Jersey, Wheaton, White, Wilcox, Wilson of Maine, Winter, Wright, and Young.

NAYS—Messrs. Alexander, Alston, Anderson, Archer, Avery, Bard, Barnett, Beall, Bibb, Bowen, Brown, Caldwell, Chappell, Cheves, Clark, Clopton, Comstock, Condict, Conard, Crawford, Creighton, Davis of Pennsylvania, Desha, Duvall, Earle, Eppes, Findley, Fisk of Vermont, Forney, Gholson, Gourdin, Griffin, Grundy, Harris, Hopkins of Kentucky, Hubbard, Humphreys, Hyneman, Ingersoll, Ingham, Kilbourn, King of Massachusetts, King of North Carolina, Lefferts, Lowndes, Lyle, McKee, McKim, McLean, Montgomery, Newton, Ormsby, Parker, Pleasants, Rhea of Tennessee, Ringgold, Roane, Roberts, Robertson, Sevier, Seybert, Sharp, Smith of Pennsylvania, Tannehill, Taylor, Telfair, Troup, Whitehill, Wilson of Pennsylvania, and Wood.

A motion was then made by Mr. WRIGHT to strike out the aforesaid words "twenty cents," and insert "fourteen cents."

And the question being taken, it was determined in the negative—yeas 55, nays 74, as follows:

YEAS—Messrs. Benson, Breckenridge, Brigham, Butler, Caperton, Champion, Cilley, Culpeper, Davenport, Evans, Farrow, Forney, Franklin, Gaston, Gloninger, Goldsborough, Goodwyn, Grosvenor, Hasbrouck, Hawes, Hungerford, Kennedy, Kent of New York, Lewis, Lovett, Macon, McCoy, Miller, Moore, Moseley, Nelson, Oakley, Pearson, Pickens, Piper, Pitkin, Potter, Rea of Pennsylvania, Rich, Richardson, Ruggles, Sherwood, Shipphard, Smith of New York, Smith of Virginia, Stanford, Stuart, Vose, Ward of New Jersey, White, Wilcox, Wilson of Massachusetts, Winter, Wright, and Yancey.

NAYS—Messrs. Alexander, Alston, Anderson, Archer, Avery, Bard, Barnett, Beall, Bibb, Bowen, Brown, Caldwell, Calhoun, Chappel, Cheves, Clark, Clopton,

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Comstock, Conduct, Conard, Crawford, Creighton, Davis of Pennsylvania, Desha, Duvall, Earle, Eppes, Findley, Fisk of Vermont, Gholson, Gourdin, Griffin, Grundy, Hall, Hanson, Harris, Hopkins of Kentucky, Hubbard, Humphreys, Hyneman, Ingersoll, Ingham, Kilbourn, King of Massachusetts, King of North Carolina, Lefferts, Lowndes, Lyle, McKee, McKim, McLean, Montgomery, Newton, Ormsby, Parker, Pickering, Pleasants, Rhea of Tennessee, Ringgold, Roane, Roberts, Robertson, Sevier, Seybert, Sharp, Smith of Pennsylvania, Tannehill, Taylor, Telfair, Thompson, Troup, Whitehill, Wilson of Pennsylvania, and Wood.

The title of the bill was amended so as to read "A bill laying a duty on imported salt, granting a bounty on pickled fish, and allowances to certain vessels employed in the fisheries;" and then the bill was ordered to be engrossed, and read the third time to-morrow.

An engrossed bill laying duties on licenses to retailers of wines, spirituous liquors, and foreign merchandise, was read the third time.

And, on the question, Shall this bill pass? it passed in the affirmative—yeas 84, nays 46, as follows:

YEAS—Messrs. Alexander, Alston, Anderson, Archer, Avery, Bard, Barnett, Beall, Bibb, Bowen, Brown, Burwell, Butler, Caldwell, Calhoun, Chappell, Clark, Conduct, Conard, Crawford, Creighton, Davis of Pennsylvania, Desha, Duvall, Earle, Eppes, Evans, Findley, Forney, Franklin, Gholson, Goodwyn, Gourdin, Griffin, Grundy, Hall, Harris, Hasbrouck, Hawes, Hopkins of Kentucky, Hubbard, Humphreys, Hungerford, Hyneman, Ingersoll, Ingham, Kennedy, Kent of Maryland, Kerr, Kershaw, Kilbourn, King of North Carolina, Lefferts, Lowndes, Lyle, Macon, McCoy, McKee, McKim, McLean, Montgomery, Moore, Nelson, Newton, Ormsby, Parker, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ringgold, Roane, Roberts, Robertson, Sharp, Smith of Pennsylvania, Smith of Virginia, Taylor, Telfair, Ward of New Jersey, Wilson of Pennsylvania, and Yancey.

NAYS—Messrs. Baylies of Massachusetts, Benson, Bigelow, Bradbury, Breckenridge, Brigham, Caperton, Champion, Cheves, Cilley, Culpeper, Davenport, Ely, Gaston, Gloninger, Goldsborough, Grosvenor, Hanson, Hufty, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Lewis, Lovett, Miller, Oakley, Pearson, Pickering, Pitkin, Potter, Reed, Ruggles, Sherwood, Shepherd, Smith of New York, Stanford, Sturges, Taggart, Thompson, Vose, Wheaton, White, Wilcox, Wilson of Massachusetts, and Winter.

An engrossed bill laying duties on notes of banks, bankers, and certain companies, on notes, bonds, and obligations, discounted by banks, bankers, and certain companies, and on bills of exchange of certain descriptions, was read the third time: When, on motion of Mr. BIBB, it was ordered to lie on the table.

The House then went into secret session, and so remained until adjourned.

—
SATURDAY, July 17.

On motion of Mr. NELSON, the petition of the officers and crew of the United States' late brig Vixen were referred to the Committee of Claims.

On motion of Mr. Roberts,

Resolved, That the Naval Committee be further instructed to inquire if any, and, if any, what, alterations it would be expedient to make relative to fees charged in the Courts of Admiralty in the trial of libels on prize goods; and that they have power to report by bill or otherwise.

The bill from the Senate, "for the remission of certain duties to the Pennsylvania Academy of the Fine Arts," was read twice and committed to a Committee of the Whole.

A bill from the Senate, "concerning suits and costs in courts of the United States," was read twice and referred to Mr. PITKIN, Mr. CHEVES, Mr. OAKLEY, Mr. INGERSOLL, and Mr. PICKENS.

The bill from the Senate, "for the relief of Elisha J. Winter," was read twice and referred to the Committee of Claims.

The resolution from the Senate, "respecting a day of public humiliation and prayer," was read twice and ordered to be read the third time to-day.

The amendment proposed by the Senate to the bill "to establish the office of Commissioner of the Revenue," was read, and committed to a Committee of the Whole to-day.

A message from the Senate informed the House that the Senate have passed the bill "laying duties on sales at auction of merchandise, and of ships and vessels;" also, the bill "laying duties on licenses to distillers of spirituous liquors;" also, the bill "laying duties on sugars refined within the United States;" also, the bill "laying duties on carriages for the conveyance of persons," with amendments to each; in which they desire the concurrence of this House.

ENCOURAGEMENT TO PRIVATEERS.

Mr. NELSON submitted the following resolutions for consideration:

1. *Resolved*, That the Committee on Naval Affairs be instructed to inquire into the expediency of affording encouragement to the private armed vessels of the United States to cruise against the ships and vessels of the enemy, by diminishing the duties on prizes and prize goods captured by them; and that they have leave to report by bill, or otherwise.

2. *Resolved*, That the Naval Committee be instructed to inquire into the expediency of encouraging the private armed ships of the United States to capture the officers, seamen, and marines, of the enemy, by holding out the offer of a bounty for all such captives.

A motion was made by Mr. BIBB to amend the first resolution, by striking out the words "by diminishing the duties on prizes and prize goods, captured by them, or by permitting them to bring into port, free from duty, all prizes and prize goods." And the question being taken, it was determined in the negative.

A motion was made by Mr. INGHAM to amend the first resolution, by striking out the words "or by permitting them to bring into port, free from duty, all prizes and prize goods." And the question thereon being taken, it passed in the affirmative.

A division of the question to agree to the said resolutions was called for: Upon which, the

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question was taken on the first resolution, as amended and passed in the affirmative—yeas 86, nays 51, as follows:

YEAS—Messrs. Alston, Anderson, Avery, Bard, Barnett, Beall, Bibb, Bowen, Brown, Burwell, Butler, Caldwell, Chappell, Clopton, Comstock, Conard, Crawford, Creighton, Davis of Pennsylvania, Dawson, Desha, Duvall, Earle, Eppes, Evans, Farrow, Findley, Forney, Gholson, Glasgow, Gloninger, Goodwyn, Gourdin, Griffin, Grundy, Hall, Harris, Hasbrouck, Hawes, Hopkins of Kentucky, Hubbard, Humphreys, Hungerford, Hyneman, Ingersoll, Ingham, Irwin, Kennedy, Kerr, Kershaw, Kilbourn, King of North Carolina, Lefferts, Lyle, Macon, McCoy, McKim, McLean, Murfree, Nelson, Newton, Ormsby, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Richardson, Roane, Roberts, Robertson, Sevier, Sharp, Smith of Pennsylvania, Smith of Virginia, Stanford, Strong, Tannehill, Taylor, Telfair, Ward of New Jersey, Wilson of Pennsylvania, Wright, and Yancey.

NAYS—Messrs. Baylies of Massachusetts, Benson, Bigelow, Bowers, Bradbury, Breckenridge, Brigham, Caperton, Cheves, Cilley, Clark, Culpeper, Davenport, Ely, Forsyth, Gaston, Geddes, Goldsborough, Grosvenor, Hanson, Hufty, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Lewis, Lovett, Lowndes, McKee, Miller, Montgomery, Moseley, Pearson, Pickering, Pitkin, Potter, John Reed, Ridgely, Ruggles, Sheffield, Sherwood, Shipherd, Smith of New York, Sturges, Taggart, Thompson, Vose, Wheaton, White, Wilcox, Wilson of Massachusetts, and Winter.

The second resolution was then agreed to by the House.

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An engrossed bill laying a duty on imported salt, granting a bounty on pickled fish, and allowances to certain vessels employed in the fisheries, was read the third time; and the question was stated, Shall this bill pass? When a motion was made by Mr. MURFREE that the bill be postponed until the first Monday in December next. And the question being taken, it was determined in the negative—yeas 62, nays 87, as follows:

YEAS—Messrs. Baylies of Massachusetts, Benson, Bigelow, Bowers, Bradbury, Breckenridge, Brigham, Burwell, Butler, Caperton, Champion, Cilley, Culpeper, Davenport, Ely, Forsyth, Franklin, Gaston, Gloninger, Goldsborough, Grosvenor, Hanson, Hungerford, Jackson of Rhode Island, Kent of New York, Kent of Maryland, Kerr, Lewis, Lovett, Macon, Miller, Moore, Moseley, Murfree, Oakley, Pearson, Pickering, Pickens, Pitkin, Potter, Richardson, Ridgely, Ruggles, Sheffield, Sherwood, Shipherd, Smith of New York, Smith of Virginia, Stanford, Strong, Stuart, Sturges, Taggart, Thompson, Vose, Wheaton, White, Wilcox, Wilson of Massachusetts, Winter, Wright, and Yancey.

NAYS—Messrs. Alston, Anderson, Archer, Avery, Bard, Barnett, Beall, Bibb, Bowen, Brown, Caldwell, Calhoun, Chappell, Cheves, Clark, Clopton, Comstock, Condict, Conard, Crawford, Creighton, Davis of Pennsylvania, Dawson, Desha, Duvall, Earle, Eppes, Evans, Farrow, Findley, Fisk of Vermont, Forney, Gholson, Glasgow, Goodwyn, Gourdin, Griffin, Grundy, Hall, Harris, Hasbrouck, Hawes, Hopkins of Kentucky, Hubbard, Humphreys, Hyneman, Ingersoll, Ingham, Irwin, Kennedy, Kershaw, Kilbourn, King of Massa-

chusetts, King of North Carolina, Lefferts, Lowndes, Lyle, McCoy, McKee, McKim, McLean, Montgomery, Nelson, Newton, Ormsby, Parker, Piper, Pleasants, John Reed, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ringgold, Roane, Roberts, Robertson, Sage, Sevier, Seybert, Sharp, Smith of Pennsylvania, Tannehill, Taylor, Telfair, Ward of New Jersey, Whitehill, and Wilson of Pennsylvania.

The question was then put that the said bill do pass.

Mr. HANSON rose.—He said, as from appearances, the bill was about to pass *sub silentio*, he would offer no apology for claiming the attention of the House for a few minutes upon a question so important. But, in submitting a few plain and obvious suggestions, he by no means intended to go into a general investigation and discussion of the merits of the system of revenue devised by the Committee of Finance; he would not follow the puerile example of aiming at a display of deep research, nor consume hours in exhibiting the demerits of the still more important system it was the province of the committee to provide for. Reserving himself for an approaching and more proper occasion, he should avoid the introduction of topics involving a discussion of our foreign relations.

Mr. H. said his present purpose was, briefly, to expose, and, if to be effected by any efforts from a quarter so obnoxious to defeat, what he deemed an undignified attempt on the part of this Government to practise a gross deception upon the public creditors, and to decoy the moneyed interests of the country. He said, until the wonderful year 1813, when it would seem, in this hemisphere, at least, advances had been made with such inconceivable celerity towards a state of infinite human perfectibility—he would venture to say, that a like anomaly in finance, a similar departure from the principles of political economy was never before heard of, as a system of revenue, to go into operation *in futuro*, and limited to a short period after the war, under the existing peculiar circumstances of the country. What were those circumstances? War had been engaged in with a powerful enemy, possessing all the means, and, if the speculations of its authors were correct, driven on by considerations of interest and national policy to inflict upon this country every injury which those means placed within her power. The preparations made, and means devised to conduct the war to an honorable and successful issue, had been hitherto wholly inadequate. Cut off from the accustomed source of pecuniary supply by the selection of the enemy made by the Administration; our commercial revenue being dried up by the war with Great Britain, the only remaining reliances for the ways and means were loans and internal taxation. The former reliance depended upon the latter; money could not be borrowed without creating, in good faith, a solid, sufficient public fund, equal to the payment of the interest, and looking to the gradual extinction of the amount to be borrowed; the expenses to be incurred, and the public debt

to be created. The inquiry then was, whether the system submitted by the Committee of Finance was calculated to maintain the public faith and credit. It was worthy of serious consideration, that the very revenue arising from our commerce, which was now reduced to a mere name, had been already thrice pledged, and that these very pledges had been rendered valueless by making the Treasury bills (for the redemption of which the same fund was again pledged) receivable for the customs. The eight million commercial fund, staked for the extinguishment of the old public debt, had also been pledged for the reimbursement of the eleven million loan, the sixteen million loan, and, lastly, for the redemption of the Treasury bills. These Treasury bills had no intrinsic value; the currency they gained was owing to an artificial value imparted to them by the fund pledged for their redemption, which fund no longer existed, being destroyed together with our commerce. Of course the fund created and pledged for the old debt, the loan of eleven millions, the loan of sixteen millions, and for the redemption of the Treasury bills, consisted only of those bills. Thus was the public faith violated, and so might the credit of the Government be reduced, if not as low as it was during the war of the Revolution, at least to a point of the most alarming depression.

It was to be recollected, also, that the two loans already negotiated were in anticipation of this system of taxes, which was expected to give to Government the credit necessary to enable and entitle it to go into the market upon advantageous terms. Future and necessary loans were to be negotiated upon the faith of the system under discussion. This system, instead of giving the Government credit, was calculated to destroy its credit. Postponing the period for the system to go into operation to a distant day, Mr. H. considered equivalent to a rejection of the system. It would not fail to be regarded, that the period fixed for the tax laws to go into operation, was so remote as to admit of their repeal at the Winter session, at which time they could just as well be enacted. Nor would the public creditors close their eyes to the important fact of their limitation to a period when the system would be most wanted, and when the public debt, produced by the war, would have accumulated to its highest amount. Then it was that the fund securing the public creditors, and supporting the credit of the Government, was to be taken away when most required. These public creditors, and the moneyed men of the country generally, unless as blind as moles, as stubborn and stupid as mules, would consider the faith of Administration violated, and the public credit gone. An individual might as well attempt to borrow a sum of money for twenty years by offering security for two years, and leaving the lender to take his chance for the residue of the time, as for Government to expect to raise money to carry on this war upon the faith of a system of revenue to expire a year after the war, and perhaps never to go into operation.

What is the course of reasoning, which, even men of ordinary minds—of the most obtuse, dull apprehension—and we all know, said Mr. H., that speculators in the funds are not of that class of men who are deficient in acuteness) would naturally and at once adopt? They would see through the tenuous veil which covered the deception as quickly as the rays of the rising sun pierce and dispel the morning mist. They would come at once to the conclusion, that the Government security, which they considered as solemnly pledged when they contracted for the loan, was now as solemnly withheld. Having invested a considerable amount of money in the stocks, and being deeply interested in keeping up the price, they might manœuvre to answer that object; but, as certainly as the effect followed the cause, they would go secretly into the market and sell out. This operation could not be concealed—although a few shrewd, active men, might escape from the wreck—and, being discovered, a rapid depreciation would follow, and the funds would ultimately be reduced to the grade of the old Continental currency. To Mr. H.'s mind it was clear that the passage of the bills, in their present form, would be destructive of the public credit. The public creditors would quickly discover their disappointment and alarm.

In all other matters, by a sort of political ambidextrousness, said Mr. H., you may hoodwink, deceive, and control the people; you may guide the popular sentiment and feeling; but in affairs of money they will think and act for themselves. Here, said he, party prejudice and passion fail you; for we have had abundant proof, since this disastrous war commenced, that there is, with a certain description of thorough-going patriots, no perceptible connexion between their patriotism and their pockets. Indeed, in those sections of our country most clamorous for war, there was very little, if any anything, worth naming, contributed to carry it on. The very States that were responsible for the measure; that were open-mouthed for the declaration of war; who pledged "their lives and fortunes and their sacred honor" in its support, over and over again, until it became as a tale thrice told;—these same *life-and-fortune* States deserted the Government in the hour of its utmost need. Empty professions and vain boastings constituted the sum and stock of their *amor patriæ*, because you no longer relied upon appeals to their angry passions and political prejudices, but resorted to drafts upon their pockets. This was all very natural, and in precise conformity with the history and nature of all Governments where the people are the supreme power. It partook of the selfishness and sordid qualities which belong to the composition of man. How then, Mr. H. asked, would this sordid, selfish animal, man, in the character of a public creditor, a loan contractor, or a speculator in the funds, reason upon this subject? Determined to take care of himself, and to watch and guard his interest, at least as tenderly as the Administration seemed resolved to nurse its popularity, even though at the cost of the faith and credit of the Government, the loan contractor, with an eagle's

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eye, would scrutinize the measures of Government—would open or close his hand as it secured or shrunk from the responsibility of enacting the odious laws necessary to secure the public debt.

Mr. H. said, he took it that these creditors and the moneyed men would reason pretty much in this way: A distant day was fixed for this obnoxious system to take effect, that the Administration might be enabled to take the chance of events; and if, after feeling the public pulse by the mere passage of the tax bills in their present inoperative form, it should be found the people would not bear this depletive system of taxation, why then the tax laws might or might not be repealed before they took effect, according to the happening of events. What were the events which should resolve them upon the course of turning the deluded creditors adrift to make the best of a bad bargain, and to find their way as well as they could out of their difficulties? They were simply and solely these: the restoration of France to her lost power on the continent of Europe, or the complete and final overthrow of the tyrant. The consequent failure or refusal to negotiate a treaty of peace with England, or the negotiation of such a treaty, in good faith, from hard necessity, by our Government. Mr. H. had not a doubt, if Bonaparte recovered from the blow he had received in Russia, and regained his foothold in the subjugated States that were struggling to throw off the yoke, that then there would be no treaty, and *vice versa*. But, he said, be these events, which were in the womb of time, as they might, the character of Administration, the faith and credit of Government, were gone, if an efficient, permanent, solid system of revenue, was not established, meeting the expectation of the public creditors, and redeeming the pledge given by Government, at the time a system of internal revenue was first recommended and reported to Congress.

Mr. H. added, he had no question that the scheme of revenue as digested, methodized, altered, and submitted to the House, with the two reservations of postponement and limitation, was the result of a compromise; that a majority could not be carried along to support it, but for the modification embracing these reservations; and that a majority could not have been induced to vote for the taxes, but upon the express condition and expectation that they would never take effect; or, if it was inexpedient to strangle the system at the next session of Congress, that it should cease with the war.

[The Chairman of the Committee of Ways and Means rose and said, he hoped the gentleman from Maryland would name the members of the majority alluded to.]

Mr. H. said he adverted to circumstances within the knowledge of every gentleman in the House.

The circumstances that had passed in review before the House, the appearances exhibited*, and

* Alluding to the caucus which was held at the Capitol, which was understood to have resulted in nothing at that time, as there was much dissension and wrangling, and the caucus was dissolved in great confusion.—*Note by Mr. Hanson.*

the early opposition made by some of the majority to the taxes, who with difficulty were reconciled to them, left no doubt upon his mind that their support must be the result of a compromise upon the basis of a modification, such as he had mentioned.

A few words, said Mr. H., upon the subject of the popularity of the war: They who at the last session vociferated the popularity of the war, and boasted in Stentorian tones of the general determination of the people to prosecute it with vigor, and avenge the blood already spilt upon our frontier, well knew the sentiment of the people ran in an opposite current. When he spoke of the people, he meant the sound, substantial, native population of the country, and not the dregs and feculence of foreign States, vomited upon our shores by the convulsions in the old countries. If he was mistaken in his computation, how happened it that the last Congress, which declared the war, and whose especial, bounden duty it was to supply the means of carrying it on, studiously shunned an appeal to that unerring test—that touchstone of sincerity and patriotism—the *pocket*? If the war was so popular; if the people preferred war to peace; if the necessary measures growing out of a state of war would have been popular, or at least they would have been submitted to; and a resort to them being unavoidable, would not have endangered a loss of power. But, no; the pulse of the people had been felt; the public feeling and spirit had been tested in another and indirect way; the loan books were opened with a strong appeal to the liberality, the munificence, and patriotism of the country. It turned out that the *combatant* States abandoned the Government, and would furnish none of the sinews of war. Scarcely one man in a hundred thousand assisted to fill up the loan. It was fair and natural to conclude, that those who would not volunteer their aid to the Government, would ill brook compulsion; that those who had nothing to lend, would not bear exaction; that those who had nothing to put out on interest in the funds, would have still less to satisfy the tax-gatherer. The go-by was therefore given to the taxes, for the want of time to pass the bills; and hence this extra session of Congress, called at an inconvenient, oppressive season, to do what the last Congress shrunk from performing in the hour of trial. Let, then, this Congress supply the omissions of their predecessors; but, in undertaking to do so, let them be astute to avoid falling into greater errors, by attempting to practice upon the presumed ignorance and stupidity of a class of citizens as well qualified to avoid a gull-trap as the wily author of the system.

From principle and the best convictions of the understanding, Mr. H. said, he was opposed to the whole system, as well on account of its defects and deformities, as on the ground of their being *supply* bills to carry on the war; but, he would not then go into a discussion of the general policy of the war, the mode of conducting it, and the fearful consequences to which it might lead.

The bill was then passed—yeas 90, nays 55, as follows:

YEAS—Messrs. Alston, Anderson, Archer, Avery, Bard, Barnett, Beall, Bibb, Bowen, Brown, Caldwell, Calhoun, Chappell, Cheves, Clark, Clopton, Comstock, Conduct, Conard, Crawford, Creighton, Davis of Pennsylvania, Dawson, Desha, Duvall, Earle, Eppes, Evans, Farrow, Findley, Fisk of Vermont, Forney, Forsyth, Gholson, Glasgow, Goodwyn, Gourdin, Griffin, Grundy, Hall, Harris, Hasbrouck, Hall, Hopkins of Kentucky, Hubbard, Humphreys, Hyneman, Ingersoll, Ingham, Irwin, Kennedy, Kerr, Kershaw, Kilbourn, King of North Carolina, Lefferts, Lowndes, Lyle, McKee, McKim, McLean, Montgomery, Murfree, Nelson, Newton, Ormsby, Parker, Pickens, Piper, Pleasants, John Reed, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ringgold, Roane, Roberts, Robertson, Sage, Sevier, Seybert, Sharp, Smith of Pennsylvania, Tannehill, Taylor, Telfair, Ward of New Jersey, Whitehill, Wilson of Pennsylvania, and Yancey.

NAYS—Messrs. Baylies of Massachusetts, Benson, Bigelow, Bradbury, Breckenridge, Brigham, Burwell, Butler, Caperton, Champion, Cilley, Culpeper, Davenport, Ely, Franklin, Gaston, Gloninger, Goldsborough, Grosvenor, Hanson, Hungerford, Jackson of Rhode Island, Kent of New York, Kent of Maryland, King of Massachusetts, Lewis, Lovett, Macon, McCoy, Miller, Moore, Moseley, Oakley, Pickering, Pitkin, Potter, Ridgely, Ruggles, Sheffey, Sherwood, Shipherd, Smith of New York, Smith of Virginia, Stanford, Strong, Stuart, Sturges, Thompson, Vose, Wheaton, White, Wilcox, Wilson of Massachusetts, Winter, Wright.

MONDAY, July 19.

The bill giving further time for registering claims to lands in the late district of Arkansas, in the Missouri Territory; the bill for the relief of Colonel David Henley; and the bill to amend and explain the act regulating pensions to persons on board private armed ships, were severally passed through Committees of the Whole and ordered to be engrossed for their third readings to-morrow.

Mr. ARCHER, from the Committee of Claims, presented a bill for the relief of the officers and crew of the United States' brig Vixen; which was read twice, and committed to a Committee of the Whole to-morrow.

Mr. ARCHER, from the same committee, reported the bill from the Senate "for the relief of Elisha J. Winter," with an amendment; which was committed to a Committee of the Whole to-morrow.

The resolution from the Senate, "respecting a day of public humiliation and prayer," was read the third time and passed.

The amendments proposed by the Senate to the bill "laying duties on carriages for the conveyance of persons" were read and concurred in by the House.

The amendments proposed by the Senate to the bill "laying duties on sugars refined within the United States" were read and concurred in by the House.

The amendments proposed by the Senate to the bill "laying duties on licenses to distillers of

spirituous liquors" were read and concurred in by the House.

The amendments proposed by the Senate to the bill "laying duties on sales at auction of merchandise and of ships and vessels" were read and concurred in by the House.

The House then resolved itself into a Committee of the Whole on the amendment proposed by the Senate to the bill "to establish the office of Commissioner of the Revenue." The amendment was agreed to, and concurred in by the House.

The House resolved itself into a Committee of the Whole on the amendment of the Senate to the amendment of this House to the bill "for the relief of Alexander Scott." The amendment was agreed to, and concurred in by the House.

THE WAYS AND MEANS.

The House resumed the consideration of the engrossed bill laying duties on notes of banks, bankers, and certain companies, on notes, bonds, and obligations, discounted by certain companies and on bills of exchange of certain descriptions: Whereupon, the bill was re-committed to a Committee of the Whole House.

The House then resolved itself into a Committee of the Whole on the said bill; and, after some time spent therein, the Committee rose and reported the bill with amendments; which were read as follows:

Strike out from the word "exceeding," in the thirty-fifth line of the engrossed bill, the following words: "ten thousand dollars, five dollars. If above ten thousand, and not exceeding fifty thousand dollars, twenty-five dollars. If above fifty thousand, and not exceeding one hundred thousand dollars, fifty dollars. If above one hundred thousand dollars, one hundred dollars;" and, in lieu thereof, to insert "seven thousand dollars, three dollars and fifty cents. If above seven thousand, and not exceeding eight thousand dollars, four dollars. If above eight thousand dollars, five dollars."

The question was then taken to concur in the said amendment, and passed in the affirmative—yeas 65, nays 62, as follows:

YEAS—Messrs. Archer, Beall, Bayly of Virginia, Bigelow, Bradbury, Brigham, Burwell, Champion, Chappell, Cheves, Cilley, Clark, Comstock, Conduct, Culpeper, Davenport, Duvall, Ely, Evans, Gaston, Geddes, Grosvenor, Hasbrouck, Hufty, Jackson of Rhode Island, Kent of New York, Kent of Maryland, Kerr, King of Massachusetts, King of North Carolina, Lewis, Lovett, Lowndes, McKee, Miller, Mosely, Murfree, Newton, Oakley, Pearson, Pickering, Pitkin, Pleasants, Potter, John Reed, Richardson, Ridgely, Robertson, Ruggles, Seybert, Sheffey, Sherwood, Shipherd, Smith of New York, Stanford, Sturges, Taggart, Taylor, Vose, Ward of New Jersey, Wheaton, White, Wilson of Massachusetts, Winter, and Wright.

NAYS—Messrs. Alston, Anderson, Avery, Bard, Barnett, Benson, Bibb, Bowen, Brown, Calhoun, Clopton, Crawford, Creighton, Davis of Pennsylvania, Dawson, Desha, Eppes, Farrow, Findley, Fisk of Vermont, Forney, Franklin, Gholson, Glasgow, Gloninger, Goodwyn, Griffin, Grundy, Hall, Harris, Hawes, Hopkins of Kentucky, Hubbard, Humphreys, Hungerford, Hyneman, Ingersoll, Irwin, Kennedy, Kershaw, Kilbourn, Lyle,

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McCoy, McKim, McLean, Moore, Nelson, Ormsby, Piper, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ringgold, Roane, Roberts, Sevier, Sharp, Smith of Virginia, Strong, Telfair, Whitehill and Wilson of Pennsylvania.

The bill was then ordered to be engrossed, and read the third time to-day.

NATURALIZATION.

The House resolved itself into a Committee of the Whole on the bill from the Senate "supplementary to the acts heretofore passed upon the subject of an uniform rule of naturalization;" and, after some time spent therein, the Committee reported their agreement to the amendment reported thereto by the select committee, with an amendment; which was concurred in by the House.

A motion was made by Mr. ROBERTS to amend the said amendment: by striking out these words: "who had before that day made a declaration, 'according to law, of their intentions to become 'citizens of the United States, or who, by the existing laws of the United States, were, on that day, entitled to become citizens without making 'such declaration;" as, also, to strike out the word "thereof," and, in lieu of the same, to insert, "of 'the United States, if they shall have resided 'therein for the continued term of five years immediately preceding their admission as citizens 'in manner aforesaid:" When a motion was made by Mr. GASTON, that the said bill be postponed indefinitely. And the question being taken, it was determined in the negative.

The question was then taken on the amendments proposed by Mr. ROBERTS, and was determined in the negative.

A motion was made by Mr. KENNEDY further to amend the said amendment, by inserting, after the words "United States," the words, "or had intermarried with a citizen of the United States."

Mr. KENNEDY.—Mr. Chairman, the bill as sent to us from the Senate authorized the naturalization of all alien enemies who had declared their intention to become citizens prior to the declaration of war; and the amendment proposed by the gentleman from Pennsylvania (Mr. ROBERTS) not only contemplates the naturalization of every description of alien enemies, by their complying with the requisites of the act of Congress passed on that subject in the year 1802, but also intends to naturalize all those alien enemies that were residing within the limits and under the jurisdiction of the United States, at any time between the 18th day of June, 1798, and the 14th day of April, 1802, immediately and without a compliance with the first provision of the first section of that act, which required a declaration of their intention to become citizens three years before they were admitted.

Sir, I am in favor of the proposed amendment, and will endeavor to give the Committee the reasons which have influenced me in forming that sentiment. The situation of alien enemies must be disagreeable, inconvenient, and embarrassing to them beyond measure. By the declaration of

war in which we are engaged, they are deprived of all their civil rights, they cannot institute a suit for the recovery of their just demands, nor can they repair themselves in damages for any maltreatment they may receive in their persons or property. They are subject and liable, according to a power vested in the President by an act passed in 1798, to be exiled from their homes, their families, and property, to any distant place designated by him within the limits of the United States, or at his pleasure may be ordered entirely out of the country.

And even if they are not removed in the manner I have mentioned, yet they are continually harassed with the marshals' advertisements ordering them to register themselves or be subject to severe and heavy penalties. Those of them in the State that I in part represent, who reside in forty miles of tide water and who are in pursuit of mercantile business and have supported their families by that means, are deprived of the privilege and ordered to desist from the same; indeed, in the town where I reside there is a diversity of opinion whether the tide ebbs and flows within forty miles of it or not; this uncertainty compels those unfortunate persons to cringe to the officers appointed to superintend the business, in order to know their opinion thereon, which state of humiliation is grating and repugnant to the feelings of a free man, and from which I humbly conceive they ought to be relieved.

Sir, I should be glad to know what substantial reason can be given why alien enemies should be thus severely treated, and why they should not be naturalized? There is no law or compact within my knowledge which will either in its letter or spirit be violated by their naturalization, according to the principles of this bill amended as proposed. The law of last session regulating the employment of seamen on board of American vessels, is not at all in any respect affected by it. The first section of that act only prohibits the employment after peace of any seaman, except he is a citizen of the United States, or a man of color, a native of the United States; from which every person will perceive that there is nothing in this section that even hints at a restraint upon our right to naturalize; and after they are naturalized, every one must know they have become citizens and can be employed in the manner contemplated by the act. The only restriction contained in this section is in prohibiting the employment of aliens until they are naturalized, and even this restraint is not imposed upon us until after peace is restored to the country.

The twelfth section of the act is the only one in it that has anything like a bearing upon the question, and a slight examination of it will plainly show that the bill under discussion, with the proposed amendment, will not, in the least, interfere with the provisions of it. That section was particularly intended, according to my understanding of it, as a basis upon which a negotiation for peace should be predicated. And what does this section contain? Nothing more than to restrain us, after the termination of the war,

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from naturalizing any alien who has not resided five years within the United States without leaving of the same; the true construction of which is, that we can naturalize until peace is restored to the country, in the same manner that we could do, before the act of last session was passed; and after peace, we can only naturalize those who have resided five years within the limits of the United States, without leaving the same; and even this restriction is not to be imposed upon us in respect to British subjects, unless that nation adopts a similar arrangement in relation to our citizens.

I think every gentleman ought now to be satisfied that the letter of that act will not be infringed, and I presume it is equally clear, that the policy or spirit of it is also untarnished; (for, in what manner are we to get at the policy of a law but by the law itself?) and by that, it seems, we did not mean to commit ourselves farther than to declare that we would not naturalize any alien, after the termination of the war, who had not resided five years within the United States without leaving the same. Should any arrangement be made upon this proposition, no complaint could be justly urged against us for naturalizing prior to a peace, because it could not be understood from the terms of the proposition that we meant to restrain ourselves before that period, and not even then, unless a like arrangement should be made with respect to our citizens.

But, if it is apprehended that a kindred policy would be violated by the bill, if amended, let gentlemen move a section that none shall be naturalized except they have resided five years within the United States, and that will relieve them from all their difficulty on that score.

Then, sir, if there is no substantial reason against the bill with the proposed amendment, let us examine if there is none in favor of it. In the present situation of the United States, involved in war with a powerful enemy, we stand in need of all the physical force of the country; those men will make good soldiers, and our law authorizes the enlistment of them, and perhaps very properly, too, in the regular army of the United States, requiring only of them an oath of fidelity. But what encouragement do we hold out to them to enter our Army and to fight the battles of our country, when we refuse to naturalize them? Scarcely one. Should they be naturalized by the State governments, as is contended for by some, yet the Government of the United States, unless they acknowledge the State authority in that respect, could not, with propriety, claim them as citizens, and screen them from punishment for treason towards their sovereign in case of capture; but should some of them, from patriotic motives, notwithstanding these disadvantages, enter the service, and doubly hazard their lives, could you, on their return, be willing to treat them as alien enemies, and deprive them of all their civil rights during the continuance of the war, notwithstanding how long it might last? I really hope not. This hard usage would have the effect to sour the minds of those persons that

otherwise were well affected towards our country and the cause in which we are engaged. Sound policy, in every view I can take of the subject, seems to require of us to adopt them as citizens; and humanity imperiously demands of us to protect the men we encourage to fight our battles.

Sir, there is a fatality that seems to attend this bill. Formerly, it passed both Houses of Congress, and was rejected by the President. Last session it was postponed from time to time, under various pretences, until it was too late to act upon it; and at this session, it has been committed, laid over, and at last reported in this mutilated shape. Permit me here to observe, that I have understood from good authority, though not from the President himself, that the bill was refused his sanction because it contained no provision for the removal of alien enemies prior to their naturalization, and that he has no objections to the bill in its present shape. It may, perhaps, be improper that I should mention this circumstance in the House, and it is more likely that the information is altogether unnecessary, as I presume every gentleman has the independence to act and think for himself.

The persons intended to be relieved by the bill, generally, were banished from their native land by the oppression and tyranny of their Government; they fled to this as the only asylum for persecuted humanity, and almost at the moment when they conceived themselves safely sheltered from the monstrous storm that had burst upon their unfortunate heads, and when they were consoling themselves with the pleasing idea that their difficulties were surmounted, and the remainder of their lives would be spent in peace, comfort, and happiness, war broke out in their adopted country; they were again threatened with exile and banishment, and there appears to be no resting place for them on the face of the earth.

Sir, those aliens in the part of the country where I live, and for whom I feel so much solicitude, are, generally, Irish by birth; they are gentlemanly in their deportment, well disposed towards the Government of the United States. Some of them have intermarried in the country, and have children—the sure pledges for their fidelity. Many of them are my companions when at home, and I am confident they would defend the rights of the nation as soon as her native sons.

There was a time, Mr. Chairman, when the native-born patriot of America adopted and cherished an Irishman as his fellow-sufferer and fellow citizen, and why do such sentiments not now exist? Are they less generous, brave, or enterprising, or have we only changed situations?

The question being taken on Mr. KENNEDY'S amendment, it was determined in the negative.

The amendment concurred in by the House was then ordered to be engrossed, and the bill read the third time to-day.

THE WAYS AND MEANS.

An engrossed bill laying duties on notes of banks, bankers, and certain companies, on notes,

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bonds, and obligations, discounted by banks bankers, and certain companies, and on bills of exchange, of certain descriptions, was read the third time. And on the question, Shall this bill pass? it passed in the affirmative—yeas 81, nays 46, as follows:

YEAS—Messrs. Alston, Anderson, Archer, Bard, Barnett, Beall, Bibb, Brown, Burwell, Caldwell, Calhoun, Chappell, Cheves, Clark, Comstock, Condict, Crawford, Creighton, Davis of Pennsylvania, Dawson, Desha, Duvall, Eppes, Evans, Farrow, Findley, Forney, Forsyth, Franklin, Gholson, Glasgow, Goodwyn, Gourdin, Griffin, Grundy, Hall, Harris, Hawes, Hopkins of Kentucky, Humphreys, Hungerford, Hyneman, Ingersoll, Kennedy, Kent of Maryland, Kerr, Kershaw, Kilbourn, Lefferts, Lowndes, Lyle, Macon, McCoy, McKee, McLean, Montgomery, Moore, Murfree, Nelson, Newton, Ormsby, Piper, Pleasant, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ringgold, Roane, Roberts, Robertson, Sevier, Seybert, Sharp, Smith of Pennsylvania, Smith of Virginia, Strong, Taylor, Telfair, Whitehill, Wilson of Pennsylvania, and Yancey.

NAYS—Messrs. Bayly of Virginia, Benson, Bigelow, Bradbury, Breckenridge, Brigham, Champion, Cilley, Davenport, Ely, Gaston, Geddes, Gloninger, Grosvenor, Hasbrouck, Hufty, Kent of New York, King of Massachusetts, Lewis, Lovett, McKim, Miller, Moseley, Oakley, Parker, Pearson, Pickering, Pitkin, Potter, John Reed, Ridgely, Ruggles, Sheffield, Sherwood, Shipherd, Smith of New York, Stanford, Sturges, Taggart, Thompson, Vose, Wheaton, White, Wilson of Massachusetts, Winter, and Wright.

The bill from the Senate, "supplementary to the acts heretofore passed on the subject of an uniform rule of Naturalization," was read the third time, as amended, and passed.

TUESDAY, July 20.

Mr. EPPES, from the Committee of Ways and Means, reported the bill from the Senate "for the relief of the owners of the ships Good Friends, Amazon, and United States, and their cargoes," without amendment, and the bill was committed to a Committee of the Whole to-morrow.

Mr. FRISK, from the Committee of Elections, made a report on the credentials of members; read, and ordered to lie on the table.

A message from the Senate informed the House that the Senate have appointed a committee, on their part, to present to the President of the United States the "resolution respecting a day of public humiliation and prayer."

Ordered, That Mr. BARD and Mr. TAGGART be appointed the committee on the part of this House, to present the said resolution to the President of the United States.

Mr. PITKIN reported the bill concerning suits and costs in courts of the United States, with amendments, which were read, agreed to, and the bill was read a time, and passed.

The engrossed bill for the relief of D. Henly, the engrossed bill to amend and explain the act regulating pensions to persons on board privateers, and the engrossed bill giving further time to

register land claims in the district of Arkansas, were read the third time and passed.

The bill for the relief of John James Dufour and his associates was passed through a Committee of the Whole without amendment, and ordered to a third reading to-morrow.

The House in Committee of the Whole, on the invalid pension bill. Before the Committee had got through this bill, a message was received from the President of the United States of a confidential nature, on which the Committee rose, reported progress, and had leave to sit again.

The galleries were then cleared and the doors were closed. They were opened again in about half an hour.

Mr. BENSON, from the Joint Committee, reported a bill fixing the next meeting of Congress for the first Monday in December next, (the Constitutional day,) which was read; when several motions were made to alter the time to different periods in the month of November; all of which failed, and the bill was ordered to a third reading.

The bill from the Senate to remit certain duties to the Pennsylvania Academy of Fine Arts, passed through a Committee of the Whole without amendment, and was read a third time, and passed.

The House again went into Committee of the Whole on the invalid pension bill. The Committee, after going through the same, reported it to the House with amendments, which were agreed to, and it was ordered to a third reading to-morrow.

The bill fixing the time for the next meeting of Congress was read the third time, and passed.

The bill for the relief of the officers and crew of the late brig Vixen was passed through a Committee of the Whole without amendment, and was ordered to a third reading to-morrow.

The bill for the relief of Elisha J. Winter was passed through a Committee of the Whole without amendment, and was ordered to a third reading to-morrow.

FOREIGN RELATIONS.

Mr. CALHOUN moved for the consideration of the report of the Committee of Foreign Relations on the President's Message, transmitting a report from the Secretary of State on Mr. Webster's resolutions. This motion was lost—yeas 62, nays 74, as follows:

YEAS—Messrs. Alston, Anderson, Bard, Barnett, Bayly of Virginia, Bigelow, Bowen, Breckenridge, Butler, Caperton, Calhoun, Clopton, Comstock, Conard, Davenport, Earle, Ely, Forney, Franklin, Gaston, Gholson, Goldsborough, Griffin, Grosvenor, Grundy, Hall, Hanson, Humphreys, Hungerford, Ingham, Irwin, Kent of New York, Kerr, Lewis, Lovett, McLean, Moseley, Newton, Oakley, Pearson, Pickering, Pitkin, Potter, Rhea of Tennessee, Rich, Ringgold, Roane, Roberts, Sevier, Sharp, Sheffield, Sherwood, Shipherd, Smith of New York, Strong, Telfair, Thompson, Vose, White, Whitehill, Wilson of Massachusetts, and Wilson of Pennsylvania.

NAYS—Messrs. Archer, Avery, Bibb, Bradbury, Brigham, Burwell, Caldwell, Champion, Chappell, Cheves, Cilley, Clark, Condict, Creighton, Culpeper, Davis of

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Pennsylvania, Dawson, Desha, Duvall, Eppes, Evans, Farrow, Findley, Forsyth, Geddes, Glasgow, Gloninger, Goodwyn, Hasbrouck, Hawes, Hopkins of Kentucky, Hubbard, Hufty, Hyneman, Ingersoll, Jackson of Rhode Island, Kennedy, Kent of Maryland, Kershaw, Kilbourn, King of Massachusetts, King of North Carolina, Lefferts, Lowndes, Lyle, Macon, McCoy, McKee, McKim, Montgomery, Moore, Murfree, Nelson, Parker, Piper, Pleasants, John Reed, Rea of Pennsylvania, Richardson, Ridgely, Robertson, Ruggles, Sage, Seybert, Smith of Pennsylvania, Stanford, Sturges, Taggart, Tannehill, Taylor, Ward of New Jersey, Wheaton, Winter, and Yancey.

WEDNESDAY, July 21.

Mr. NELSON, from the Committee on the Naval Establishment, reported a bill allowing a bounty to the owners, officers, and crews, of the private armed vessels; which was read twice, and committed to a Committee of the Whole to-day.

On motion of Mr. CALHOUN, the House was cleared of all persons, except the members and officers of the House, and the doors were closed, and remained so until adjournment.

THURSDAY, July 22.

Mr. EPPES, from the Committee of Ways and Means, reported a bill authorizing a loan for a sum not exceeding — millions of dollars; which was read twice, and committed to a Committee of the Whole to-morrow.

On motion of Mr. HEMPSTEAD, the Committee on Military Affairs were instructed to inquire whether any, and, if any, what, amendments are necessary to be made to the act, entitled "An act to raise ten additional companies of rangers," with instruction to report by bill or otherwise.

An engrossed bill concerning invalid pensioners was read a third time, and passed.

An engrossed bill for the relief of the officers and crew of the United States' brig Vixen, was read the third time, and passed.

An engrossed bill for the relief of John James Dufour, and his associates, was read the third time, and passed.

The bill from the Senate, "for the relief of Elisha J. Winter, was read the third time, and passed as amended.

The House resolved itself into a Committee of the Whole on the bill from the Senate "for the relief of the owners of the ships Good Friends, Amazon, and United States, and their cargoes;" and, after some time spent therein, the Committee rose and had leave to sit again.

The House then resolved itself into a Committee of the Whole on the bill allowing a bounty to the owners, officers, and crews, of the private armed vessels; and, after some time spent therein, the Committee rose and had leave to sit again.

The doors were then closed, and, remaining so for some time, they were again opened, and the House adjourned.

FRIDAY, July 23.

Mr. HUNGERFORD presented a petition of sundry inhabitants of the Northern Neck of Virginia,

praying that a new collection district, and that a port of entry, may be established at Dividing Creek.—Referred to the Committee of Commerce and Manufactures.

Mr. TROUP, from the Committee on Military Affairs, reported a bill supplementary to an act, entitled "An act supplementary to an act, entitled 'An act to provide for calling forth the militia, to execute the laws, suppress insurrections, and repel invasion,'" and to repeal the act now in force for those purposes, and to increase the pay of volunteer and militia corps; which was read twice, and ordered to be engrossed, and read the third time to-day; which was subsequently done, and the bill passed.

A message from the Senate informed the House that the Senate have passed the bill "to lay and collect a direct tax within the United States," with several amendments, in which they desire the concurrence of this House.

The amendments were read, and, together with the bill, referred to the Committee of Ways and Means.

The bill from the Senate "authorizing the raising a corps of fencibles," passed through a Committee of the Whole, and was ordered to be read a third time with an amendment, and was read a third time and passed.

The bill "making further provision for the collection of internal duties and for the appointment and compensation of assessors," passed through a Committee of the Whole, and was ordered to be engrossed for a third reading.

The bill supplementary to the act "for the better regulation of the ordnance," was read a third time, and passed.

Mr. McKEE moved the following resolution:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of refunding to the State of Kentucky the sum of five thousand and forty-seven dollars and twenty-two cents, expended by the said State in the defence of the Southwestern frontier, against the incursions of the hostile Indians; with leave to report by bill, or otherwise.

Mr. GOLDSBOROUGH moved to add the following, after the word Indians:

"And, also, into the expediency of refunding to any other of the States, the constituted authorities of which may have been under the necessity of calling out the militia to repel the incursions of the enemy, the expenses that may have been incurred in consequence thereof."

And the question thereon being taken, it passed in the affirmative. The question was then taken to agree to the said resolution as amended, and passed in the affirmative.

The House resolved itself into a Committee of the Whole on the bill from the Senate, "making appropriations for furnishing the Senate Chamber, and repairing the roof of the north wing of the Capitol;" which was reported without amendment, read the third time, and passed.

The order of the day for the House to resolve itself into a Committee of the Whole on the bill from the Senate, "to provide for the accommodation of the household of the President of the

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Duties on Prize Goods.

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United States," was called for by Mr. BIBB; when, a motion was made by Mr. SHEFFEY, that the said bill be postponed indefinitely; and the question being taken, it was determined in the negative—yeas 45, nays 72.

The House then resolved itself into a Committee of the Whole on the said bill; and, no amendment being made, the bill was ordered to be read the third time.

A motion was made by Mr. HALE that the bill do lie on the table, and negatived. The bill was then read the third time, and passed—yeas 78, nays 46.

DUTIES ON PRIZE GOODS.

Mr. NELSON, from the Committee on the Naval Establishment, reported a bill to repeal the additional duties on goods, wares, and merchandise, captured and brought in by the private armed ships of the United States; which was ordered to lie on the table.

Mr. NELSON also laid before the House the following letter from the Secretary of the Treasury:

TREASURY DEPARTMENT, July 21, 1813.

SIR: The inquiry which forms the basis of your letter of the 20th, can only be answered by the conflict of opinion between the Secretary of the Treasury, in his letter of the 8th of December last, to the honorable chairman of the Committee of Ways and Means, and the person now acting in that capacity—a task of no ordinary kind, and which I undertake with great deference.

The data for ascertaining the amount of duties on prize goods, captured by private armed vessels since the declaration of war, is as imperfect as was then stated; the amount of duties on prize goods captured by public as well as private armed vessels, have been blended together.

There is, however, satisfactory ground to infer, that the amount of duties on prize goods, captured by private armed vessels, has rapidly declined, and is certainly, at this time, very inconsiderable.

The causes which have produced this decline may also be a subject of controversy, in which, though I feel that I have the better cause, I apprehend, the weaker argument.

The position assumed by the Secretary is, that "no part of the duties on prize goods ultimately falls on the captors. The duties on importations are paid by the consumers, whether the merchandise be captured by privateers, or regularly imported by merchants." To this I may answer, that the maxim derives more weight from the felicity of argument and commanding character of the great author of "Wealth of Nations," than from the universality of the principle.

It is undoubtedly true in the abstract; but my experience, as a merchant, has taught me to know the practical value of a maxim, derived from an author of a lighter cast:

"What is the worth of anything,
But so much money as 't will bring?"

If an article, from whatever cause, will not sell for the amount of duties, added to the cost and other charges, whether the importation be made regularly by a merchant, in the usual way, or in the cost of equipping and maintaining a privateer, the difference, or loss, will not fall upon the consumer, but upon the importer. This is no uncommon case; indeed, instances

are frequent, in which imported articles sell for less than the prime cost and charges, exclusive of the duties. Who pays the duty in this case? The consumer? No; it is paid by the unfortunate importer. Were it otherwise, there would be no bankruptcies; your merchants would have but one side to their profit and loss account. "These are the accidental exceptions arising from such a superabundance of a particular article, as will sink it below the prime cost and charges." And this has actually been the case with many prize importations. Indeed, it is said, and I believe with truth, that, in some of the Southern ports, the duties and the charges of sale have absorbed nearly the whole proceeds.

"The price for exportation, in which case no duty is paid," forms but a very partial exception in this case; for, when you have little or no export of foreign products, the benefit of drawback is lost.

The Secretary has said, that "a reduction of duties will be of no use to the privateers, unless the merchandise continues to be sold at the same price as if the duties had not been reduced." This is not strictly the fact. It is well known, in the actual market, that coffee, for instance, subject to ten cents per pound duty, and entitled to drawback, seldom sells for more than four cents over the price for consumption, and this must continue until the excess is very great, or the exportation free, which is not likely to be the case during the war. The equality of price approximates as the obstacles to exportation increase; and if exportation was prohibited, or completely obstructed, the equality of price between the same kind of merchandise, entitled to drawback, or sold for consumption, would be absolute.

The lower the price of the article, the greater the consumption. The American people, enjoying the means, indulge their taste for variety, and habituate themselves to every kind of luxury. This produces an accommodation of taste, which changes, with great facility, from the use of coffee to tea, from brandy to rum, &c., as abundance or scarcity and price shall indicate.

The question is not now, "simply, whether it be necessary and proper to pay from the Treasury to the privateers, a bounty equal to the amount of the reduction of duties on prize goods," for there is, literally now, a very trifling amount of duties collected on prize goods; and, therefore, any encouragement of this nature given by Government to private armed vessels, will, if any prize arrive, bring money into, instead of extracting it from, the Treasury, and, therefore, so far from the payment of a bounty for the purpose of encouraging privateers, the Government will receive an amount of duties on prize goods, which otherwise would not be brought into our ports.

The Secretary observes that, "if the article be not worth sending into port after capture, it must be altogether impossible for the importing merchant to pay its prime cost, freight, and insurance; and, with those charges, to import such an article without considerable loss." An article may not be worth sending in, after capture, in consequence of the heavy charges and great risk, perhaps equal to a premium of fifty to seventy-five per cent., whilst the importing merchant may import the same article in neutral bottoms, at a premium of ten per cent., and receive his goods at little more than the ordinary charges previous to the declaration of war. He, moreover, has the advantage of selling at such a time, and on such terms, as his interest may

dictate, and to his regular customers; whereas, prize goods are necessarily brought to the hammer, and sold in large parcels, to speculators, uncontrolled by the prudent management of mercantile superintendence, frequently from twenty to thirty per cent. less than those of the regular importer. These causes operate as a bounty in favor of the regular importer, and against the captors. The owner of a privateer receives but a moiety of the captured property; the cost of that moiety to him, is the cost of the equipment, maintenance, insurance, wear and tear, and depreciation of his privateer, (all which is very extravagant,) and the insurance, duties, and other heavy charges, on his prize.

The cause of the present inquiry proves the error of the Secretary's prediction, "that a greater number of privateers will, without bounty, continue to be employed, than is necessary for the greatest possible annoyance of the enemy's trade."

The fact is, that, from causes that occupy the present discussion, privateering is nearly at an end; and, from the best observation I have been enabled to make, it is more from the deficiency of remuneration in the net proceeds of their prizes, than from the vigilance and success of the enemy in recapturing. One-fourth part of the year, at least, the elements will raise the blockade of our ports, and it is at that season that the harvest and the reapers are most abundant and successful in privateering.

There is sometimes wisdom in taking counsel from our enemy, and his dread of our privateers may be collected from the marked hostility and severity of treatment which the crews of privateers are subject to, when captured, and the insidious efforts to excite prejudices against them. The analogy between privateering and lotteries, does not appear to me to be so strict as the Secretary seems to consider it. The adventure of a privateer is of the nature of a commercial project or speculation, conducted by commercial men, upon principles of mercantile calculation and profit. The vessel and her equipment is an object of great expense, which is expected to be remunerated by the probable chances of profit, after calculating the outfit, insurance, &c., as in a regular mercantile voyage, as much so as the voyage of a letter of marque, with a cargo, running all the chances of hostility, and incurring the consequent heavy charges of war.

I do not think a "reduction of duties, by increasing the profit, would operate as an insurance on the risk of collusive or pretended captures of British prohibited merchandise," to such an extent as to warrant the withholding any proper encouragement to this most potent weapon of annoyance to the enemy, which we possess. Frauds no doubt may be committed, but, in the existing absolute prohibition of all British merchandise, from whatever quarter, there is a much stronger inducement to collusion than can be found in the reduction of one half the duties in favor of prizes; and no doubt frauds are committed; yet these considerations are not deemed of sufficient importance to induce a repeal or relaxation of the system.

The number of accessaries to the fraud; the risk of capture, by the vessels of the enemy, who do not participate in the profits of the collusion; the vigilance of our own cruisers, officers, and prize courts, appear to afford a very reasonable security against the practice, to any very injurious extent. And the humane, generous, and gallant conduct of our citizens, employed in private armed vessels, proves a moral sense which

merits more confidence and liberality than has been awarded to them.

I will not undertake to say that the reduction of the duties in favor of prizes captured by private armed vessels is the proper or only encouragement to be provided. I repeat the fact, that, as a question of revenue, the nation has everything to gain, and nothing to lose. One of the most efficient means of distressing the commercial and military marine of the enemy, is the capture and detention of his seamen, as well to enhance the difficulty of manning his ships, as to provide for the exchange, and to retain hostages, to insure the proper treatment of our own. Whatever encouragement may be devised for the destruction of the ships of the enemy on the ocean, and bringing into port his captured seamen, will inflict the deepest possible wound upon his commerce and marine—the vitals of his resources and power. I have the honor to be, &c.

W. JONES,

Acting Secretary of Treasury.

HON. HUGH NELSON,
Chairman Naval Committee.

SATURDAY, July 24.

Mr. EPPES, from the Committee of Ways and Means, reported the bill from the Senate for the relief of Thomas Denny, without amendment.

Ordered, That the said bill be committed to a Committee of the Whole on Monday next.

Mr. EPPES, from the same committee, reported a bill for the relief of George Lyon; which was read twice, and committed to a Committee of the Whole to-day.

Mr. EPPES, from the same committee, reported a bill for the relief of Willet Warne; which was read twice, and ordered to be engrossed, and read the third time to-day.

Mr. NELSON, from the Committee on the Naval Establishment, reported a bill for reducing the duties payable on prize goods captured by the private armed vessels of the United States; which was read twice, and committed to a Committee of the Whole on Monday next.

A message from the Senate informed the House that the Senate have passed the bill, "laying duties on licenses to retailers of wines, spirituous liquors, and foreign merchandise," with amendments, in which they desire the concurrence of this House.

The amendments of the Senate to the bill, "laying duties on licenses to retailers of wines, spirituous liquors, and foreign merchandise," were read, and referred to the Committee of Ways and Means.

An engrossed bill, making further provision for the collection of internal duties, and for the appointment and compensation of assessors, was read the third time, and passed.

The bill from the Senate, "for the relief of the owners of the ships called the Good Friends, Amazon, and the United States, and their cargoes," passed through a Committee of the Whole, was amended by incorporating therein the case of the Fernandina, and was ordered to a third reading.

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The Ways and Means.

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The following joint resolution was submitted by Mr. GRUNDY:

Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the Senate and the Speaker of the House of Representatives be, and they are hereby, authorized to adjourn their respective Houses, on Thursday, the twenty-ninth day of July instant.

The said resolution was read twice, and ordered to be engrossed, and read the third time to-day.

THE WAYS AND MEANS.

The House resolved itself into a Committee of the Whole on the bill authorizing a loan for a sum not exceeding — dollars. The bill was reported with an amendment thereto, by filling the blank with the words "seven millions five hundred thousand;" which was concurred in by the House.

A motion was then made by Mr. OAKLEY, to amend the bill by striking out the fourth section, and, in lieu thereof, to insert the following as the fourth section:

SEC. 4. *And be it further enacted,* That so much of the proceeds of the direct tax, and of the internal duties, which have been imposed by the several acts passed, or to be passed, during the present session of Congress, as shall be necessary to defray the interest of the loan which may be made in pursuance of this act, be, and the same is hereby, pledged for the payment of the said interest.

And the question to agree to the said amendment being taken, it was determined in the negative—yeas 19, nays 94, as follows:

YEAS—Messrs. Bayly of Virginia, Bigelow, Cilley, Ely, Kent of New York, Lovett, Moseley, Oakley, Pitkin, Ridgely, Sheffield, Sherwood, Shipherd, Stanford, Stuart, Thompson, Vose, Wilson of Massachusetts, and Winter.

NAYS—Messrs. Alston, Anderson, Archer, Bard, Barnett, Beall, Bibb, Bowen, Breckenridge, Burwell, Butler, Caperton, Caldwell, Calhoun, Champion, Chappell, Cheves, Clopton, Comstock, Condict, Conard, Crawford, Creighton, Culpeper, Davis of Pennsylvania, Dawson, Desha, Earle, Epes, Farrow, Findley, Forney, Forsyth, Franklin, Gholson, Glasgow, Goldsborough, Goodwyn, Gourdin, Grundy, Hall, Hasbrouck, Hawes, Hopkins of Kentucky, Hubbard, Humphreys, Hungerford, Hyneman, Ingersoll, Kennedy, Kerr, King of Massachusetts, King of North Carolina, Lefferts, Lewis, Lyle, Macon, McCoy, McKim, McLean, Montgomery, Moore, Nelson, Newton, Parker, Pickering, Pickins, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Richardson, Ringgold, Roane, Robertson, Sevier, Seybert, Sharp, Smith of Pennsylvania, Smith of Virginia, Strong, Sturges, Tannehill, Taylor, Telfair, Troup, Ward of New Jersey, White, Whitehill of Pennsylvania, Wright, and Yancey.

The bill was then ordered to be engrossed, and read a third time to-day; and was read a third time, and passed.

MONDAY, July 26.

The bill "to authorize the sale of a lot of ground lying in the borough of Pittsburgh, in the

State of Pennsylvania," was passed through a Committee of the Whole, and was ordered to be engrossed for a third reading; as also was the bill for the relief of George Lyon; and both bills were subsequently read a third time, and passed.

Mr. EPES reported a bill, making additional appropriations for the support of Government during the year 1813; which was read twice, and committed.

The bill for the relief of Thomas Denny passed through a Committee of the Whole; was ordered to a third reading; and was read the third time, and passed.

The bill "for reducing the duties payable on prize goods captured by the private armed vessels of the United States," passed through a Committee of the Whole. After the rejection of a motion made by Mr. BENSON, to postpone the bill to the first Monday in December next, and considerable discussion, the bill was ordered to be engrossed for a third reading.

The House took up the amendments of the Senate to the direct tax law; agreed to a part of the same, and rejected the remainder.

The bill from the Senate, for the relief of the owners of the Amelia Island vessels, the Good Friends, &c., was read a third time, as amended by the House, and passed.

TUESDAY, July 27.

The House, on report of Mr. BIBB, agreed to a part, and disagreed to the remainder, of the amendments to the Senate, to the bill laying duties on licenses to retailers of wines, &c.

Mr. TROUP reported a bill explanatory of the bill for raising certain corps of mounted rangers; which was read three times and passed.

The House spent some time in Committee of the Whole, on the bill making further appropriations for the support of Government for the year 1813, but rose without coming to a decision thereon, and obtained leave to sit again.

[Considerable discussion took place on the compensation proposed to be allowed as an outfit to Mr. Adams, as one of the Russian Mission. The objection was, that, as he already receives a salary as Resident Minister, no other compensation is necessary in addition on account of his recent appointment.]

A message from the Senate informed the House that the Senate have passed the bill, "laying duties on notes of banks, bankers, and certain companies, on bonds, notes, and obligations, discounted by banks, bankers, and certain companies, and on bills of exchange of certain descriptions," with amendments. The Senate have concurred in the amendment proposed by this House to the bill, "supplementary to the several acts heretofore passed on the subject of an uniform rule of Naturalization," with an amendment; in all which amendments they desire the concurrence of this House. The Senate have insisted on their amendments, disagreed to by this House, to the bill "to lay and collect a direct tax within the United States;" ask a conference on the dis-

agreeing votes of the two Houses, and have appointed managers at the conference on their part.

DUTIES ON PRIZE GOODS.

The engrossed bill, "for reducing the duties payable on prize goods captured by the private armed vessels of the United States," was read a third time.

And on the question, Shall the bill pass? it passed in the affirmative—yeas 69, nays 37, as follows:

YEAS—Messrs. Alston, Anderson, Archer, Bard, Beall, Bowen, Butler, Caldwell, Chappell, Clopton, Comstock, Condict, Conard, Crawford, Creighton, Davis of Pennsylvania, Dawson, Desha, Duvall, Earle, Farrow, Findley, Fisk of Vermont, Forney, Gholson, Glasgow, Goodwyn, Gourdin, Griffin, Grundy, Hall, Hashbrouck, Hopkins of Kentucky, Hubbard, Humphreys, Hyneman, Ingersoll, Irwin, Kennedy, Kerr, King of North Carolina, Lefferts, Lyle, McCoy, McKim, McLean, Montgomery, Moore, Nelson, Newton, Parker, Pickens, Rea of Penn., Rhea of Tennessee, Rich, Ringgold, Roane, Roberts, Sevier, Sharp, Smith of Pennsylvania, Smith of Virginia, Strong, Tannehill, Taylor, Telfair, Troup, Wilson of Pennsylvania, and Yancey.

NAYS—Messrs. Bayly of Virginia, Bigelow, Champion, Cilley, Culpeper, Davenport, Ely, Eppes, Forsyth, Gloninger, Goldsborough, Hawes, Hufty, Hungerford, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Lewis, Lovett, Moseley, Pearson, Pickering, Pitkin, Potter, John Reed, Ridgely, Ruggles, Sheffield, Sherwood, Stanford, Stuart, Sturges, Thompson, Vose, Wright, Wilson of Massachusetts, and Winter.

CONTESTED ELECTION.

Mr. FISK, from the Committee of Elections, made a further report on the contested election between THOMAS M. BAYLY, of Virginia, and BURWELL BASSETT; and the said report having been debated at considerable length, it was, on motion of Mr. McKIM,

Resolved, That the said report be recommitted to the Committee of Elections, with instructions to inquire into the legality of the election in the county of Accomac; and that the committee have leave to sit during the sitting of the House.

The vote on recommitment stood—for recommitment 51, against it 50.

The report was as follows:

That no evidence has been exhibited to the committee to disprove the statement of facts made in the former report, viz: "that there was neither rain, nor the rising of the water-courses, to prevent the electors from attending on the first day of the election in the said county of Accomac." The legality of the election in that county must, therefore, rest on the ground, that a greater number of electors attended than could be polled on said day.

To prove that all the electors who attended on the first day, might have been polled on said day, the petitioner has produced the accompanying depositions, from No. 4 to No. 9, inclusive, which, in substance, state, that the election commenced between 9 and 10 o'clock in the morning; in about one hour after it was interrupted fifteen or twenty minutes, with the consent of the candidates, by an address made by Levin E.

Parker to the electors, in favor of Mr. Bassett; that except this, it proceeded with great order and rapidity from the commencement, save a few minutes' intermission several times during the day, while the qualification of an elector was inquired into, or when no voter offered, until about five o'clock in the afternoon, when voting became very slow; and but two or three votes were given in the course of half an hour, though proclamation was several times made, and the sheriff frequently requested persons to vote. That, at the setting of the sun, there were present the two undersheriffs, and two other persons only who were qualified to vote, who had not voted; and it was represented to the sheriff that some of the voters had gone home, under the expectation that the poll would be continued; a continuance took place; it was asked for by the friends of Mr. Bayly, and objected to by Mr. Bassett's, as also now by himself, on the ground that it was unnecessary and illegal.

On the other hand, it is contended by the sitting member that the propriety or necessity of an adjournment, to fulfil the spirit or intention of the law, is a matter left to the sound discretion of the sheriff, which, in the present case, had been properly exercised; that the presence of four, or any number of legal voters, not having voted, and claiming the right to vote, at the close of the poll on the first day, furnished such reasons and grounds for the continuance, as had been approved by universal practice through the State, and sanctioned by the Legislature. In support of which he produced a list of the election polls, taken in various counties, at different times, and on different occasions, in the State, accompanied by certificates from some of the clerks who kept the same; also, the testimony of Messrs. Caperton and White, members of this House, and a certificate from the petitioner, acknowledging that the said election in Accomac was conducted with honesty and impartiality.

However desirous the committee may be to sanction the general usage of the State, and respect the construction given to its law by its Legislature, they look in vain for that usage or construction in the evidence exhibited by the sitting member. Among the cases he presents no two agree, nor does any one of them compare with the one under consideration. This diversity denies us the aid of precedent, and leaves this case, as it probably will all others of a like nature, to be decided according to its own particular merits.

The law of Virginia forbids voting after sunset on the day of election, and requires the poll to be closed on the first day, unless the electors are prevented from attending by the providential interposition of rain, or the rising of water-courses, or when more electors attend than can be polled in one day; in either of which cases, and then only, the sheriff is authorized to continue the poll.

It is presumed that those exceptions in the law were intended to favor those who, after due diligence, were unable to exercise their elective franchise, but was never designed to indulge the negligent, or protect the fraudulent. With this view of the law and the evidence before us, no difficulty is found in deciding the present case. The day was fine, the election progressed with great order and rapidity; by five o'clock in the afternoon nearly all had voted; although proclamation was several times made, and the sheriff frequently called for voters, yet but few voted for the last hour or two, and, for the space of about half an hour, only two voted. At the close of the polls there were

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present but four persons who had not voted, two of them deputy sheriffs, who had been attending the whole day, and nothing appears but that the other two had or might have attended at the same time. Why did not those four vote during the day, or the last hour of it, when few voted, and particularly during the half hour in which only two voted? It was surely the want of disposition, and not the want of time, which prevented them. With these facts before us, can it be said that more electors attended than could be polled in one day? Certainly not; and no other cause is pretended or attempted to be shown for the adjournment. Under these circumstances the committee do not hesitate to say, that the said continuance of the poll in the county of Accomac was improper, and not warranted by law, and that all the votes given subsequent to the said continuance are illegal. They, therefore, respectfully submit the following resolution:

Resolved, That the adjournment of the poll in Accomac county, in the election between Burwell Bassett and Thomas M. Bayly, was illegal, and that the votes taken in that county subsequent to the said adjournment ought to be set aside."

The following resolution was submitted by Mr. NELSON:

Resolved, That a committee be appointed to examine and report on the propriety of conferring public honors on the memory of James Lawrence, late Captain of the United States frigate Chesapeake, and of Zebulon M. Pike, late a Brigadier General in the Armies of the United States, whose distinguished death in the service of their country add lustre to the character of the American nation; the propriety of adopting, as the peculiar children of the Republic, the sons of these distinguished heroes, and the propriety of making provision for the support and comfort of the families of these deceased officers.

The resolution was read, and debate arising thereon, the House adjourned.

WEDNESDAY, July 28.

A message from the Senate informed the House that the Senate have insisted on their amendments, disagreed to by this House, to the bill "laying duties on licenses to retailers of wines, spirituous liquors, and foreign merchandise;" and ask a conference upon the subject-matter of the said amendments.

The House proceeded to consider the message from the Senate, insisting upon certain of their amendments, disagreed to by this House, to the bill "to lay and collect a direct tax within the United States:" Whereupon,

Resolved, That this House do insist on their disagreement to the said amendments, and agree to the conference requested by the Senate upon the subject-matter thereof; and that Mr. BIBB, Mr. TAYLOR, and Mr. ROBERTS, be appointed managers at the said conference, on the part of this House.

The House proceeded to consider the message from the Senate, insisting on certain of their amendments, disagreed to by this House, to the bill "laying duties on licenses to retailers of wines, spirituous liquors, and foreign merchandise:" Whereupon,

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Resolved, That this House do insist on their disagreement to the said amendments, and agree to the conference requested by the Senate upon the subject-matter thereof; and that Mr. BIBB, Mr. TAYLOR, and Mr. ROBERTS, be appointed managers at the same, on the part of this House.

The amendments proposed by the Senate to the bill "laying duties on notes of banks, bankers, and certain companies, and on bills of exchange of certain descriptions," were read, and agreed to in part and disagreed to in part.

The amendment proposed by the Senate to the amendment of this House to the bill "supplementary to the several acts heretofore passed upon the subject of an uniform rule of naturalization," was read, and disagreed to by the House.

The resolution submitted yesterday, by Mr. NELSON, was ordered to lie on the table.

APPROPRIATION BILL.

The House again in Committee of the Whole on the additional appropriation bill. The amount of \$43,000 proposed to be appropriated to defray expenses of the Russian mission, was reduced to \$38,500, with a view of allowing to John Q. Adams, for his services on said mission, \$4,500 instead of the usual outfit of \$9,000 proposed by the Committee of Ways and Means to be allowed to him.

A motion was made by Mr. WRIGHT to amend the bill by adding thereto the following proviso:

Provided, That no compensation be made to John Q. Adams, Minister Resident, unless the British Government agree to send a Minister or Ministers to the mediation of the Emperor of Russia: *And, provided*, That the Secretary of the Treasury receive no part of the salary of the Secretary of the Treasury during the time he shall be absent from the seat of Government on said mission."

And the question being taken on said motion, was decided in the negative.

A motion was then made by Mr. SHEFFEY to add the following proviso to the end of a section of the bill:

Provided, That nothing in this or any other act contained shall be construed to authorize any allowance to the Minister Plenipotentiary of the United States, resident at the Court of St. Petersburg, for any services as Minister to negotiate a Treaty of Peace with Great Britain, beyond the sum of \$4,500, included in the appropriation hereinbefore mentioned; which sum is hereby authorized to be paid to the said Minister, if the President shall deem it proper."

And, after much debate, the question thereon being taken by yeas and yeas, it appeared that there were for the amendment 55, against it 55, as follows:

YEAS—Messrs. Dayly of Virginia, Benson, Bigelow, Breckenridge, Brigham, Caperton, Caldwell, Champion, Chappell, Cilley, Culpeper, Davenport, Desha, Duvall, Ely, Farrow, Forney, Forsyth, Gloninger, Goldsborough, Hall, Hawes, Hufty, Hungerford, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Lewis, Lovett, Macon, Montgomery, Moseley, Oakley, Ormsby, Pearson, Pickering, Pickens, Piper, Pitkin, Potter, John Reed, Richardson,

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Bounty to Privateers—British Licenses.

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Ridgely, Sheffey, Sherwood, Smith of New York, Stanford, Stuart, Sturges, Thompson, Vose, White, Wilson of Massachusetts, Winter, and Wright.

YEAS—Messrs. Alston, Anderson, Archer, Bard, Barnett, Bibb, Bowen, Butler, Calhoun, Clopton, Comstock, Conard, Crawford, Creighton, Davis of Pennsylvania, Dawson, Earle, Eppes, Findley, Gholson, Gourdin, Griffin, Grundy, Hasbrouck, Hopkins of Kentucky, Hubbard, Humphreys, Hyneman, Irwin, Kennedy, Kerr, King of North Carolina, Lyle, McKim, McLean, Moore, Newton, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Roane, Roberts, Robertson, Sevier, Sharp, Smith of Pennsylvania, Smith of Virginia, Strong, Tannhill, Taylor, Telfair, Troup, Wilson of Pennsylvania, and Yancey.

The House being equally divided, the SPEAKER decided the said question in the negative. And the bill was ordered to be engrossed for a third reading to-morrow.

BOUNTY TO PRIVATEERS.

The bill allowing a bounty to the owners, officers, and crews of the private armed vessels of the United States, passed through a Committee of the Whole, and was ordered to be engrossed for a third reading to-morrow, in the following words:

A bill allowing a bounty to the owners, officers, and crews of private armed vessels.

Be it enacted, &c., That a bounty of twenty-five dollars be paid to the owners, officers, and crews of the private armed vessels of the United States, commissioned as letters of marque, for each and every prisoner by them captured and brought into port, and delivered to an agent authorized to receive them, in any part of the United States; and that the Secretary of the Treasury is hereby authorized and required to pay or cause to be paid to such owners, officers, and crews of private armed vessels commissioned as aforesaid, or their agent, the aforesaid bounty for each person captured and delivered as aforesaid.

And be it further enacted, That the sum of fifty thousand dollars, out of any money in the Treasury not otherwise appropriated, be, and the same is hereby, appropriated.

THURSDAY, July 29.

Mr. GRUNDY, from the Committee on Foreign Relations, reported the bill from the Senate "to prohibit the use of licenses or passes, granted by the authority of the Government of the United Kingdom of Great Britain and Ireland," without amendment, and the bill was committed to a Committee of the whole House.

An engrossed bill making additional appropriations for the support of Government, during the year 1813, was read the third time, and passed.

An engrossed bill allowing a bounty to the owners, officers, and crews, of the private armed vessels, was read the third time, and passed.

The House went into Committee of the Whole, on the bill from the Senate, making compensation for wagons captured or destroyed by the enemy at Detroit. Before the Committee had gone through the bill, it was announced that a communication from the Senate of a confidential nature was in waiting; on which the Committee

rose, reported progress, and the doors were closed for a few minutes, when they were again opened.

A message from the Senate informed the House that the Senate insist on their amendments, disagreed to by this House, to the bill "laying duties on notes of banks, bankers, and certain companies, on notes, bonds, and obligations, discounted by banks, bankers, and certain companies, and on bills of exchange of certain descriptions," and ask a conference upon the subject-matter of the said amendments.

The House proceeded to consider the message from the Senate, insisting on their amendments disagreed to by this House, to the bill "laying duties on notes of banks, bankers, and certain companies, on bonds, notes, and obligations, discounted by banks, bankers, and certain companies, and on bills of exchange of certain descriptions;" Whereupon,

Resolved, That this House doth insist on their disagreement to the said amendments, and agree to the conference asked by the Senate upon the subject-matter thereof, and that Mr. BIBB, Mr. TAYLOR, and Mr. ROBERTS, be appointed managers on the part of this House.

Mr. BIBB, from the managers appointed to confer with the managers on the part of the Senate, on the subject-matter of the amendments depending between the two Houses to the bill "laying duties on licenses to retailers of wines, spirituous liquors, and foreign merchandise," made a report; which was ordered to lie on the table.

BRITISH LICENSES.

The House went into Committee of the Whole, on the bill to prohibit the use of licenses or passes issued by the Government of Great Britain.

After several ineffectual attempts to amend the bill, the Committee rose and reported it without amendment.

A motion was then made, by Mr. PITKIN, to amend the bill by inserting a new section, to come in after the second section of the bill, as follows:

And be it further enacted, That, whenever any ship or vessel, seized and detained by virtue of this act, and for a violation of the same, by any private armed vessel of the United States, shall be acquitted on trial, it shall be in the power of the court before which such trial is had, in case it shall appear to such court that such seizure and detention was made without probable cause, to order the captors to pay to the owners of such ship or vessel such damages, for such seizure and detention, as they may judge just and reasonable.

And the question thereon being taken, it was determined in the negative.

A motion was made, by Mr. OAKLEY, to amend the bill by inserting, after the word "appear," in the eighth line of the second section, the words, "by the discovery, on board, of any such license, pass, or other instrument."

And the question being taken, it was determined in the negative.

Another motion was made, by Mr. OAKLEY, to amend the bill by inserting, after the word "Ire-

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land," in the fifth line of the first section, the words, "or by the Government of France."

And the question being taken, it was determined in the negative—yeas 38, nays 70, as follows:

YEAS—Messrs. Benson, Bigelow, Breckenridge, Brigham, Caperton, Champion, Cheves, Cilley, Cooper, Davenport, Duvall, Ely, Geddes, Hungerford, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Lewis, Lovett, Montgomery, Moseley, Oakley, Pearson, Pickering, Pitkin, John Reed, Richardson, Ridgely, Ruggles, Seybert, Sheffield, Sherwood, Stanford, Sturges, Thompson, Vose, Wilson of Massachusetts, and Winter.

NAYS—Messrs. Alston, Anderson, Archer, Bard, Barnett, Beall, Bibb, Bowen, Butler, Calhoun, Chappell, Clopton, Comstock, Condict, Conard, Crawford, Davis of Pennsylvania, Dawson, Desha, Earle, Eppes, Farrow, Findley, Forney, Forsyth, Gholson, Glasgow, Gourdin, Griffin, Grundy, Hall, Hasbrouck, Hawes, Hubbard, Humphreys, Irwin, Kennedy, Kerr, King of North Carolina, Leferts, Lyle, Macon, McCoy, McKim, McLean, Moore, Nelson, Newton, Ormsby, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ringgold, Roane, Roberts, Robertson, Sevier, Sharp, Smith of Pennsylvania, Strong, Tannehill, Taylor, Telfair, Troup, Wilson of Pennsylvania, Wright, and Yancey.

A motion was made, by Mr. PICKERING, to amend the bill by striking out the words "the United Kingdom of Great Britain and Ireland," and to insert the words, "any foreign nation."

And the question being taken, it was determined in the negative.

A motion was then made by Mr. PICKERING, to amend the bill by inserting the words, "owners, officers, and crew, of such," in the 15th line of the second section, after the word "or," and before the word "private."

And the question being taken, it was determined in the negative.

The bill was then read the third time, and passed, yeas 78, nays 33, as follows:

YEAS—Messrs. Alston, Anderson, Bard, Barnett, Beall, Bibb, Bowen, Butler, Caldwell, Calhoun, Chappell, Clopton, Comstock, Condict, Conard, Crawford, Culpeper, Davis of Pennsylvania, Dawson, Desha, Duvall, Earle, Eppes, Farrow, Findley, Forney, Forsyth, Gholson, Glasgow, Goodwyn, Gourdin, Griffin, Grundy, Hall, Hasbrouck, Hawes, Hopkins of Kentucky, Hubbard, Humphreys, Hungerford, Irwin, Kennedy, Kerr, King of North Carolina, Leferts, Lyle, Macon, McCoy, McKim, McLean, Montgomery, Moore, Nelson, Newton, Ormsby, Parker, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ringgold, Roane, Roberts, Robertson, Sevier, Seybert, Sharp, Smith of Pennsylvania, Stanford, Strong, Tannehill, Taylor, Telfair, Wilson of Pennsylvania, Wright, and Yancey.

NAYS—Messrs. Benson, Breckenridge, Brigham, Caperton, Champion, Cheves, Cilley, Cooper, Davenport, Ely, Geddes, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Lewis, Lovett, Moseley, Pearson, Pickering, Pitkin, Potter, John Reed, Richardson, Ridgely, Ruggles, Sheffield, Sherwood, Sturges, Thompson, Vose, White, Wilson of Massachusetts, and Winter.

FRIDAY, July 30.

Mr. TROUP reported a bill authorizing the appointment of certain officers of the Army by the President of the United States during the recess of Congress, (viz. the officers of the five regiments changed by an act of the present session from twelve months' to five years' men,) and the bill was twice read and ordered to be engrossed for a third reading, and was subsequently read a third time and passed.

Mr. FISK, from the Committee of Elections, made a report, according to instruction, on the petition of Burwell Bassett, contesting the election of Thomas M. Bayly. The report pronounces that the election in Accomac county, in Virginia, was illegally held, and therefore ought to be set aside.

Mr. BENSON moved that the consideration of the report be postponed to the first Monday in December next, and the said motion was decided in the affirmative.

A message was received from the Senate, announcing that they had passed the resolution for adjournment, with an amendment fixing on Monday next, as the day for adjournment.

Mr. McKIM moved that the amendment lie on the table. After some conversation, the motion was negatived, 63 to 41. The amendment of the Senate was agreed to by a large majority.

Mr. BRUB, from the Committee of Conference on the Direct Tax bill, made a report, which was read and concurred in by the Senate. The difference between the Houses, on the other tax bills, have also been compromised.

A message was received from the Senate, stating their passage of the Loan bill, with a small amendment, which was read and concurred in.

The report of the Committee of Ways and Means on the petition of John Dorsey, was discussed in Committee, and the following resolution ultimately adopted and referred to a committee to bring in a bill:

"Resolved, That the prayer of the petitioner ought to be granted."

On motion of Mr. FINDLEY,

Resolved, That the Clerk of this House be, and he is hereby, authorized and directed to pay, out of the contingent fund, to such persons as have been in the employ of the Doorkeeper during the present session, in addition to their daily pay, and to John Oswald Dunn, the sum of thirty-five dollars each, for their services.

EXPORTATION OF PROVISIONS.

Mr. NEWTON rose to offer a resolution on the subject of prohibiting the exportation of provisions and naval stores. He was constrained to introduce it at this late period of the session from a conviction of its importance and necessity. The proposition for a general embargo had been rejected, and the bill prohibiting the use of licenses had had the effect, hermetically, to seal our ports against the egress of our own vessels. The consequence would be, that British vessels would assume the neutral character, and a fraudulent

intercourse would be carried on with the enemy, to favor which Porto Rico and Guadaloupe had been recently ceded to Sweden, to make them entrepôts for this commerce with the enemy carried on under the disguise of the neutral flag. Mr. N. wished to prevent the enemy, now hovering on our coast, from receiving supplies in this collusive manner, and, by making the war more decisive in its character, to bring it to an earlier termination. With these views, he moved the adoption of the following resolution :

Resolved, That the Committee of Foreign Relations be instructed to inquire into the expediency of prohibiting the exportation of provisions and naval stores in foreign bottoms, and that they have leave to report by bill or otherwise.

The House agreed, by yeas and nays, to consider the resolution.

On suggestion of Mr. GRUNDY, seconded by Mr. CALHOUN, the resolution was so amended as to refer the subject thereof to the Committee of Commerce and Manufactures, instead of the Committee of Foreign Relations.

Mr. WRIGHT and Mr. BIGELOW opposed the object of the motion with some warmth.

A motion was made to postpone indefinitely the further consideration of the resolve ; and the question thereon having been taken by yeas and nays, was decided as follows: For indefinite postponement 59, against it 53.

So the resolution was indefinitely postponed ; in other words, rejected.

DIPLOMATIC EXPENSES, &c.

The following resolutions were submitted for consideration by Mr. EPPES :

1. *Resolved*, That the President of the United States be requested to cause to be laid before this House, at the commencement of the next session of Congress, copies of the accounts of the different Ministers Plenipotentiary, Envoys Extraordinary, Secretaries of Legation, and Consuls, appointed under the authority of the United States, from the commencement of the present Government; with a statement of the sum allowed to each, under the different items of outfit, salary, and contingencies, including the items of the contingent expenses, and any other information tending to show the principles on which such accounts have been adjusted and settled.

2. *Resolved*, That the President of the United States be requested to cause to be laid before this House, at the commencement of the next session of Congress, a detailed account of the expenses incurred in the Treaty with Algiers, including the several sums paid to the Dey of Algiers, and the items of the contingent expenses attending the same.

3. *Resolved*, That the Secretary of War be instructed to prepare, and lay before this House, at the commencement of the next session of Congress, a general view of the unsettled accounts in the offices of Paymaster and Accountant of the War Department, distinguishing the amount of such accounts, the period at which they have been presented for settlement, and to suggest any measures which he may consider necessary to secure the accountability of public agents, and prevent the future accumulation of unsettled accounts in the offices of the Paymaster General or Accountant of the War Department.

4. *Resolved*, That the Secretary of the Navy be instructed to prepare, and lay before this House, at the commencement of the next session of Congress, a general view of the unsettled accounts in the office of Accountant of the Navy Department, distinguishing the amount of such accounts, and the period at which they have been presented, and to suggest such measures as he may consider necessary to secure the accountability of public agents, and prevent the future accumulation of unsettled accounts in that office.

5. *Resolved*, That the Secretary of the Treasury be instructed to prepare, and report to this House, at the commencement of the next session of Congress, a general view of the unsettled accounts in the office of Auditor of the United States, distinguishing the amount of such accounts, the period at which they have been presented, and to suggest such measures as he may consider necessary to prevent the future accumulation of unsettled accounts in that office.

On motion of Mr. WRIGHT, the first resolution was amended by inserting the words "Secretaries of Legation," after the words "Envoys Extraordinary."

On motion of Mr. PICKERING, the second resolution was amended by adding to the end thereof, the following : "and all other expenditures in relation to the Barbary Powers, including those occasioned by the war with Tripoli, and the making of a peace with that Regency."

The above resolutions were then agreed to, as amended.

Ordered, That Messrs. EPPES and PITKIN be appointed a committee to present the said resolutions to the President of the United States.

SATURDAY, July 31.

A message from the Senate informed the House that the Senate have passed the bill "making further provision for the collection of internal duties, and for the appointment and compensation of assessors;" also, the bill to provide for the widows and orphans of militia slain, and for militia disabled in the service of the United States;" and also the bill "concerning invalid pensioners;" with amendments to each, in which they desire the concurrence of this House.

The amendments to all these bills were read, and concurred in by the House.

Mr. McKIM reported a bill for the relief of Joshua Dorsey ; which was read three times, and passed.

The further consideration of the supplementary report of the Committee of Elections on the contested election of J. P. HUNGERFORD was, on motion of Mr. SHEFFEY, postponed to the first day of the next session.

A message from the Senate informed the House that the Senate have passed the bill "giving further time for registering claims to land in the late district of Arkansas, in the Territory of Missouri, and for other purposes;" also, the bill "for the relief of the officers and crew of the late United States' brig Vixen;" also, the bill "supplementary to the act, entitled 'An act for the better regulation of the ordnance;" with amendments to each.

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The amendments of the Senate to all the said bills were read, and concurred in by the House.

BRITISH BARBARITIES.

Mr. MACON, from the committee to whom was referred that part of the President's Message which relates to the spirit and manner in which the war has been waged by the enemy, made a report, including a voluminous mass of testimony on the subject. The report is as follows:

The committee, to whom was referred that part of the President's Message, which relates to the spirit and manner in which the war has been waged by the enemy, report:

That they have collected and arranged all the testimony on this subject which could at this time be procured. This testimony is submitted to the consideration of the House, arranged under the following heads:

1. Bad treatment of American prisoners;
2. Detention of American prisoners as British subjects, on the plea of nativity in the dominions of Great Britain, or of naturalization;
3. Detention of mariners as prisoners of war, who were in England when the war was declared;
4. Compulsory service of impressed American seamen on board British ships of war;
5. Violation of flags of truce;
6. Ransom of American prisoners from Indians in the British service;
7. Pillage and destruction of private property on the Chesapeake Bay, and in the neighboring country;
8. Massacre and burning of American prisoners surrendered to officers of Great Britain, by Indians in the British service; abandonment of the remains of Americans killed in battle, or murdered after the surrender to the British; the pillage and shooting of American citizens, and the burning of their houses after surrender to the British under the guarantee of protection;
9. Outrages at Hampton, in Virginia.

The evidence under the first head demonstrates that the British Government has adopted a rigor of regulation unfriendly to the comfort, and apparently unnecessary to the safekeeping of American prisoners generally. It shows, also, instances of a departure from the customary rules of war by the selection and confinement in close prisons of particular persons, and the transportation of them for undefined causes from the ports of the British colonies to the island of Great Britain.

The evidence under the second head establishes the fact, that however the practice of detaining American citizens as British subjects may be regarded as to the principle it involves, that such detentions continue to occur through the agency of the naval and other commanders of that Government. It proves, too, that however unwilling to allow other nations to naturalize her subjects, Great Britain is disposed to enforce the obligation entered into by their citizens when naturalized under her own laws. This practice, even supposing the release of every person thus detained, obviously subjects our captured citizens, upon mere suspicion, to hardships and perils from which they ought to be exempt according to the established rules in relation to prisoners of war.

The evidence under the third head shows, that while all other American citizens were permitted to depart within a reasonable time after the declaration of war, all mariners who were in the dominions of

Great Britain, whether they resorted to her ports in time of peace for lawful purposes, or were forced into them under pretence of illegal commerce, are considered prisoners of war. The injustice of this exception is not more apparent than the jealousy it discloses towards that useful class of our fellow-citizens. But the committee can but remark, that if the practice of hiring American seamen to navigate British vessels is generally adopted and authorized, and that it is suffered, appears from the advertisement of George Maude, the British agent at Port Royal, which is to be found with the testimony collected under the first head, that the naval strength of that empire will be increased in proportion to the number of our seamen in bondage. The present war having changed the relation of the two countries, the pretended right of impressment can no longer be exercised, but the same end may be accomplished by the substitution of this mode. Every seaman thus employed (the terms of whose engagement have not been ascertained) increases the naval strength of the enemy, not only by depriving the United States of his active services, but by enabling Great Britain to carry on and even extend her commerce without diminishing the number of sailors employed in her vessels of war.

The testimony collected under the fourth head proves, that it is the ordinary practice of the officers of British armed vessels to force impressed Americans to serve against their country by threats, by corporal punishment, and even by the fear of immediate execution; an instructing commentary upon the professions of the Government of its readiness to release impressed American seamen found on board ships of war!

On the evidence collected under the fifth head, it is only necessary to observe that, in one case, the case of Dr. McKeehan, the enormity is increased by the circumstances of the flag being divested of everything of a hostile character, having solely for its object the relief of the wounded and suffering prisoners who were taken at the river Raisin, on the 22d January, 1813. The treatment of Dr. McKeehan, not by the allies of Great Britain, but by the officers of her army, can only be rationally accounted for by the supposition, that it was considered good policy to deter American surgeons from going to the relief of their countrymen, as the Indian surgeons had a more speedy and effectual mode of relieving their sufferings.

The evidence respecting the ransom of American prisoners from Indians, collected under the sixth head, deserves attention, principally from the policy it indicates, and as it is connected with Indian cruelties. Considering the savages as an auxiliary military force, in the pay of Great Britain, the amount of ransom may be regarded as part of their stipulated compensation for military service; and as ransoms would be increased and their value enhanced by the terror inspired by the most shocking barbarities, it may be fairly concluded, whatever may be the intention of the British Government, that the practice of redeeming captives by pecuniary means will be occasionally quickened by the butchery of our fellow-citizens, and by indignities offered to their remains; as long as the Indians are employed by the enemy. The justice of this conclusion is confirmed by the testimony of those witnesses who were retained after ransom as prisoners of war.

The testimony collected under the seventh head shows, that the private property of unarmed citizens has been pillaged by the officers and crews of the British vessels of war on our coast, their houses burnt, and

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places of public worship mutilated and defiled. It appears that the officers, animated by the presence of Admiral Cockburn, particularly distinguished themselves in these exploits. This evidence proves, that they were governed by the combined motives of avarice and revenge; not satisfied with bearing off, for their own convenience, the valuable articles found, the others which furnished no allurements to their cupidity, were wantonly defaced and destroyed. It has been alleged, in palliation of these acts of wanton cruelty, that a flag sent on shore by the Admiral was fired upon by the American militia. The evidence proves this not to be the fact. This pretence has been resorted to only to excuse conduct which no circumstances can justify.

The Committee forbear to make any observations upon the testimony collected under the eighth head, from a perfect conviction that no person of this or any other nation can read the simple narrative of the different witnesses of the grossest violations of honor, justice, and humanity, without the strongest emotions of indignation and horror. That these outrages were perpetrated by Indians, is neither palliation nor excuse. Every civilized nation is answerable for the conduct of the allies under their command, and while they partake of the advantages of their success, they are equally partakers of the odium of their crimes. The British forces concerned in the affair of the 22d, at the river Raisin, are more deeply implicated in the infamy of these transactions than by this mode of reasoning, however correct. The massacre of the 23d January, after the capitulation, was perpetrated without any exertion on their part to prevent it; indeed, it is apparent, from all the circumstances, that if the British officers did not connive at their destruction, they were criminally indifferent about the fate of the wounded prisoners. But what marks more strongly the degradation of the character of the British soldiers, is the refusal of the last offices of humanity to the bodies of the dead. The bodies of our countrymen were exposed to every indignity, and became food for brutes in the sight of men who affect a sacred regard to the dictates of honor and religion. Low indeed is the character of that army which is reduced to the confession, that their savage auxiliaries will not permit them to perform the rites of sepulture to the slain. The Committee have not been able to discover even the expression of that detestation which such conduct must inspire from the military or civil authority on the Canadian frontier, unless such detestation is to be presumed from the choice of an Indian trophy as an ornament for the Legislative Hall of Upper Canada.

The Committee have considered it their duty to submit the evidence collected under the ninth head, of the atrocities committed at Hampton, although these enormities have been committed since their appointment. These barbarities may be rationally considered as the consequence of the example set by the officers of the naval force on our coast. Human turpitude is always progressive, and soldiers are prepared for the perpetration of the most dreadful crimes by the commission of minor offences with impunity. That troops who had been instigated by the example of their officers, to plunder the property and burn the houses of unarmed citizens, should proceed to rape and murder, need not excite surprise, however it may inspire horror. For every detestable violation of humanity an excuse is fabricated or found. The wounded prisoners on the Northern frontier were massacred by Indians; the sick murdered, and the women violated, at Hampton, by the

foreign troops in the pay of Great Britain. These pretences, admitting them to be true, are as disgraceful as the conduct which made a resort to them necessary. Honor and magnanimity not only forbid the soldier to perpetrate crimes, but require every exertion on his part to prevent them. If, in defiance of discipline, acts of violence are committed upon any individual entitled to protection, the exemplary punishment of the offender can alone vindicate the reputation of the nation by whom he is employed. Whether such exertions were made by the British soldiers, or the character of the British nation thus vindicated, the evidence will show.

The shrieks of the innocent victims of infernal lust at Hampton were heard by the American prisoners, but were too weak to reach the ears or disturb the repose of the British officers, whose duty, as men, required them to protect every female whom the fortune of war had thrown into their power. The Committee will not dwell on this hateful subject. Human language affords no terms strong enough to express the emotions which the examination of this evidence has awakened; they rejoice that these acts have appeared so incredible to the American people. And for the honor of human nature they deeply regret that the evidence so clearly establishes their truth. In the correspondence between the commander of the American and British forces will be found what is equivalent to an admission of the facts by the British commander. The Committee have yet to learn that the punishment of the offenders has followed the conviction of their guilt. The power of retaliation being vested by law in the Executive Magistrate, no measure is considered necessary to be proposed, but the resolution annexed to this report.

As such enormities, instead of inspiring terror as was probably intended, are, in the opinion of the Committee, calculated to produce a contrary effect, they submit for the consideration of the House the following resolution:

Resolved, That the President of the United States be requested to have collected and presented to this House, during the continuance of the present war, evidence of every departure by the enemy from the ordinary modes of conducting war among civilized nations.

The resolution was agreed to, and a committee appointed to present the same to the President.

On motion of Mr. GRUNDY, 5000 copies of said report were ordered to be printed for the use of the members.

[See Appendix for the documents.]

PROPERTY LOST AT DETROIT.

The House resolved itself into a Committee of the Whole on the bill from the Senate "making compensation for wagons and teams captured or destroyed by the enemy at Detroit," and on the report of the Committee of Claims thereon; and, after some time spent therein, the Committee rose, and reported their disagreement to the said report, and agreed to the bill without amendment.

Mr. McLEAN, said that, urged by a sense of duty, he rose for the purpose of asking this committee not to concur in the report of the Committee of Claims. Nothing was further from my expectation (said he) than an unfavorable report

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upon this subject. The justice of the claims for which the bill is intended to provide, had been presented to my mind in such a striking manner, that I had not supposed the Committee of Claims would have hesitated in sanctioning the bill, nor this House in passing it; and, notwithstanding the unfavorable impression entertained by the Committee of Claims, I flatter myself, that this committee will only require an acquaintance with the merits of the claims specified in the bill, to convince them that the Committee of Claims in rejecting the bill have proceeded upon mistaken premises.

When a resolution was submitted by me some weeks ago on this subject, I was under an impression that the great proportion of these wagons and teams had been taken into the service by actual impressment; but, on further examination into the evidence submitted to the Committee of Claims, and on conversing with the then acting Quartermaster General, I find my impression was not altogether correct. And I cannot refrain from expressing my gratification that on this point I had been misinformed.

It will be recollected that, in the Spring of the year 1812, a detachment principally composed of Ohio militia was organized and placed under the command of General Hull. No sooner was it announced to the citizens of Ohio that their country required their services, than a sufficient number voluntarily sacrificed the scenes of domestic happiness, and tendered their services. The ranks were immediately filled. The same spirit of patriotism which induced citizens to make a tender of their personal services, influenced others to make a like sacrifice, and render a service with their property. At the time the contract was made between the owners of these wagons and teams and the agents of the Government, it was understood by both parties that, in the event of a loss, a remuneration would be made. An assurance to this effect was given to the owners of this property, not only by the Quartermaster General, but by the Commander-in-Chief of the Army. That a remuneration was intended in the event of a loss, the owners of the property had a right to conclude, not only from the express assurances given, but from the fact of the property being valued. What purpose was the valuation intended to answer? Certainly it was not a mere form. No object could be obtained by it, unless it were intended as a criterion for compensation, should the property become lost. Under these impressions, many citizens, without being impressed, engaged their wagons and teams in the public service. It was not expected that their services would be required farther than the Rapids of the Miami of the Lake. From that place it was calculated to transport the baggage of the army by water; and I am informed it was thought by many, teams could have been discharged short of the rapids. The owners of these teams were not induced to enter into this contract through motives of speculation; they were aware of some of the many difficulties they would have to encounter. The march of the army led through a wil-

derness filled with obstacles. To have engaged in such a service under a contract that did not secure them in some measure from loss, would have been doing injustice to themselves and to their families. They were patriotic—they were willing to share in the dangers of the army; but to have expected more than a personal risk, to have required a risk of their property engaged in the service, would have been imposing on them a burden too heavy to be borne. On the arrival of the army at the Rapids of the Miami, many of the owners of wagons and teams were anxious to return. They had not calculated on progressing farther—their teams had become worsted by fatigue, and for want of forage. Some were discharged; others were compelled to go by positive command. They had no control over their property, either as to the manner of its employment, or the duration of its service. They were compelled to render as implicit obedience to the Commander-in-Chief as the soldier in the ranks. They progressed with the army to Detroit, and continued in its service until the disgraceful surrender. Their wagons and teams were taken by the enemy; not as private property, but as property belonging to the Government, or for which it was liable to the respective owners. The enemy will never admit that, in the seizure of this property, they violated the articles of capitulation. A regular list of the owners of these teams was made out—they were considered as being attached to the army—they shared in its dangers—they participated in its fate.

From this statement of facts, the question arises, whether the owners of this property are entitled to remuneration? It will be necessary, in order to obviate the difficulties raised by the Committee of Claims, to examine the principles on which their report is predicated. An objection is made, because the service with this property was rendered voluntarily. In this I had supposed a strong reason would have been found for an ample and speedy remuneration. When a call is made for the personal services of our countrymen, and when those services are rendered voluntarily, they are deemed more honorable than services rendered by compulsion. No sight is more pleasing than to see the citizens of our country, when public emergencies require, rally around the national standard. This principle ought to be cherished—it is the love of country—one of the most noble principles that is found in the American bosom. For my own part, I can discover no essential difference between a service rendered in the ranks, and a service rendered with property; the latter is as necessary as the former—without it no valuable object could be accomplished. Sir, this disposition, I am proud to acknowledge, has prevailed in the State of Ohio. Such was the anxiety for the promotion of the public service, and so willing were the citizens generally to contribute to the attainment of this object, that the citizen who was not willing to relinquish any species of property, however inconvenient to himself, for the public good, was marked as acting a dishonorable part. Had it not been for this dispo-

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sition, the first Northwestern army could not have marched. The necessary supplies were furnished by the vigorous exertions of the patriotic citizens of the State. Money for the payment of the troops in a considerable degree was furnished from the same source. One banking institution, in the town of Cincinnati, advanced for the benefit of the army more than \$500,000 in actual cash. This was a voluntary act, without any particular pledge on the part of the Government. Because it was a voluntary act, does it manifest a less degree of patriotism in the members of that institution, or are they the less entitled, if they have not received it, to a speedy remuneration?

The Committee of Claims, for the purpose of elucidating the principle governing their decision, have supposed the case to have existed between private individuals—where, the property being hired on a hazardous enterprise, equally known to both parties, the loss without the negligence of the hirer, sustained by the owner, it is not difficult to raise a presumption and on supposed premises give a correct decision. But it is often difficult to suppose a case precisely similar in all its parts to the one intended. I am willing to suppose the case under consideration to have existed between citizens in private life, and have no hesitation in giving it as my opinion, a recovery could be obtained in a court of justice. Add to these circumstances of the contract that the owners of this property were informed, unless they rendered a voluntary service, compulsive means would be resorted to, and taking the nature of the contract into view, surely no one can be found who will hesitate on the subject. But it is insinuated in the report, that the officers of the army had no power to give assurance of indemnification, and that nothing can be claimed by virtue of them. Sir, I am not satisfied with the correctness of this principle. What is the nature of impressment? Does it give any additional security to the rights of the citizen? Is it not intended entirely for the benefit of Government? Giving power to its agents to seize the property of the citizen when the public exigencies require—putting it out of the power of the citizen by a refusal to defeat the public service. But, because in extreme cases this power is given to your commanding officers, does it necessarily follow that they are not authorized to make other contracts obligatory on the Government? Are not your officers in fact authorized to make absolute purchases of such species of property as the service may require? If they are authorized to make an absolute purchase, may they not make a conditional one—more to the advantage of Government—a purchase to become absolute in case the property should be lost? Sir, in giving these assurances the officers of the army did not rest their opinion on mere conjecture. Property destroyed by the enemy at the battle of Tippecanoe had been paid for by the Government. This precedent was fresh in their recollection—add to this, every other case of a similar nature since the institution of the Government, and no one can longer doubt, that the officers of the Northwestern army were authorized to give

the assurances they did. The Government had become pledged by its solemn acts, from which in similar cases it cannot recede without manifest injustice. Advert to the transactions at the Rapids of the Miami; additional assurances are there given. The owners of the property, not having calculated on their services being required farther, were reluctant to proceed—they were commanded to progress with the army; they had no direction over their property, it was completely under the control of the commanding General—they were compelled to obey.

Pursue the reasoning of the committee—suppose the case to have existed between private individuals—I would ask if the property had become lost through the negligence or improper conduct of the hirer, whether he would not be accountable to the owner? I am aware that I may here be met with a general presumption, that every officer is presumed to have done his duty, until he be regularly convicted. But, sir, in this instance, the act is too glaring to admit of such a presumption—from the highest officer next to the Commander-in-Chief, down to the private in the ranks, but one opinion exists, and that is, that the surrender of Detroit was unnecessary. All who witnessed the disgraceful scene bear testimony to the fact, and all who learn a correct relation of the circumstances, concur in the same opinion. By this act, the property of these citizens passed into the possession of the enemy. And are they to be refused a compensation? They have appealed to their country—shall they meet with a denial? Every principle of justice favors their claim, and demands a speedy indemnification. Would it be just to compensate the citizen whose property had been forced from his possession, by the hand of authority, for the public service, and turn him empty away, who indulged in his patriotic disposition by a voluntary tender of his property? Will not such a decision damp the feelings of our countrymen? Will it not alienate their affections from their country? No longer can they feel anxious to promote its service.

The Committee of Claims have assimilated the case under consideration to all cases of depredation, on sea as well as on land, committed by the enemy upon property not engaged in the public service. In my opinion, the most remote analogy does not exist. In the latter case, the Government has no agency in controlling the property; they do not impel the citizen the road to ruin! He engages in enterprises at discretion—he acts voluntarily—if he sustain a loss, his censure cannot justly fall on the Government, much less has he a right to claim from it indemnification. Such losses are so dissimilar in point of principle to the losses at Detroit, that they do not merit further examination.

Would it be politic to reject the present claims? The Government may refuse, but such refusal will not convince the claimants that their claims are not just. By a rejection, we give a deadly blow to those patriotic exertions which have characterized our citizens. We convince them, in the most forcible manner, that their country is

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ungrateful and unjust. They will discover that ruin is the only reward for their patriotism, and want to their families for having served their country. I trust such complaints may be avoided by an act of justice on the part of Government.

The question was then taken to concur with the Committee of the Whole in their disagreement to the said report, and passed in the affirmative.

A motion was then made, by Mr. ARCHER, to amend the said bill, by striking out, from the word "persons," in the third line of the first section, to the end of the section, and to insert the following: "whose wagon and team, sleigh, or boat, shall have been impressed into the public service, or forcibly detained in said service after having voluntarily entered it, since the commencement of the present war, or whose wagon and team, sleigh, or boat, shall be impressed into the public service, or shall be forcibly detained after having voluntarily entered it into said service, during the continuance of the said war: *Provided*, Such wagon and team, sleigh, or boat, shall be lost or destroyed in the public service, or shall be captured by the enemy."

And the question being taken, it was determined in the negative, and the bill was then read the third time, and passed.

The House spent some time in Committee of the Whole on the bill from the Senate to amend the militia laws, &c., and the Committee having risen and reported progress, leave was refused them to sit again.

A motion was made by Mr. GOLDSBOROUGH to recommit said bill to a Committee of the Whole; but before the question was decided, the House adjourned.

MONDAY, August 2.

A quorum not being present, a motion was made by Mr. GROSVENOR that the House do now adjourn, and the question being taken, it was unanimously determined in the negative, ninety-six members being present, all of whom voted in the negative.

A message from the Senate informed the House that the Senate, having completed the Legislative business before them, are now ready to adjourn; and they have appointed a committee on their part to wait on the President of the United States, and to inquire of him whether he has any further communications to make to Congress at the present session.

Mr. DAWSON and Mr. GROSVENOR were appointed of the abovementioned joint committee, on the part of the House.

Soon after, Mr. DAWSON reported that the committee had performed that service, and that the President answered that he had no further communications to make.

Ordered, That a message be sent to the Senate to inform them that this House is now ready to adjourn, and that the Clerk do go with the said message.

The Clerk accordingly went with the said

message; and, having returned, the Speaker adjourned the House until the first Monday in December next.

SUPPLEMENTAL JOURNAL

Of such proceedings of the First Session of the Thirteenth Congress, as, during the time they were depending, were ordered to be kept secret, and respecting which the injunction of secrecy was afterwards taken off by order of the House.

THURSDAY, July 15, 1813.

The following preamble and resolution was submitted by Mr. STUART for consideration:

Whereas the Seat of the General Government, from the unprepared and defenceless state of the District of Columbia, is in imminent danger, if an attack should be made thereon: And whereas the fleet of the enemy is understood to be within a few hours' sail of the Capitol: And whereas the immense value of public property exposed to destruction, the great value of the public records, and other deeply interesting considerations, render it peculiarly important that any invasion of the Metropolis should be met with vigor and successfully repelled: Whereupon,

Resolved, That, in the opinion of this House, a distribution of such arms as are in the possession of the Government, within the District of Columbia, should be immediately made, to be placed in the hands of all able-bodied men within the District, willing to be embodied to perform military duty; and also in the hands of such members of this House as may be willing to receive them, to act against the enemy in any manner not incompatible with their public duties.

A question was taken, whether the subject-matter of the said proposition requires secrecy in discussion, and passed in the affirmative.

A motion was then made, by Mr. RHEA, of Tennessee, that the said proposition do lie on the table. And the question being taken, it was determined in the negative—yeas 64, nays 74, as follows:

YEAS—Messrs. Alexander, Alston, Anderson, Bard, Barnett, Beall, Benson, Bibb, Bowen, Calhoun, Clapton, Condict, Conard, Crawford, Davenport, Davis of Pennsylvania, Dawson, Desha, Ely, Eppes, Evans, Findley, Forney, Forsyth, Franklin, Geddes, Gholson, Glasgow, Goodwyn, Griffin, Hall, Humphreys, Hyne-man, Ingham, Irwin, Kershaw, Kilbourn, King of Massachusetts, Lowndes, Lyle, McCoy, McKim, Moore, Newton, Ormsby, Parker, Pickens, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Roane, Roberts, Sevier, Seybert, Sharp, Smith of Pennsylvania, Smith of Virginia, Strong, Sturges, Tannehill, Telfair, Troup, Whitehill, and Wilson of Pennsylvania.

NAYS—Messrs. Archer, Avery, Baylies of Massachusetts, Bigelow, Bradbury, Brockenridge, Burwell, Caperton, Caldwell, Champion, Chappell, Cheves, Cilley, Clark, Comstock, Culpeper, Duvall, Gaston, Gloninger, Goldsborough, Gourdin, Grosvenor, Grundy, Hanson, Harris, Hawes, Hasbrouck, Hopkins of Ky., Hubbard, Hungerford, Ingersoll, Jackson of Rhode Island, Kennedy, Kent of New York, Kerr, King of North Carolina, Lefkerts, Lewis, Lovett, Macon, McLean, Miller, Montgomery, Moseley, Murfree, Nelson,

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Oakley, Pearson, Pickering, Piper, Pitkin, Potter, John Reed, Richardson, Ridgely, Robertson, Sheffield, Sherwood, Shipperd, Smith of New York, Stanford, Stuart, Taggart, Taylor, Thompson, Vose, Wheaton, White, Wilcox, Wilson of Massachusetts, Winter, Wood, Wright, and Yancey.

A motion was made by Mr. GHOLSON to amend the said proposition by striking out the *preamble*. And the question being taken it passed in the affirmative.

A motion was then made by Mr. BURWELL, that the said proposition, as amended, be committed to the Committee on Military Affairs. And the question being taken, it passed in the affirmative—yeas 74, nays 44, as follows:

YEAS—Messrs. Alston, Anderson, Archer, Avery, Bard, Barnett, Beall, Benson, Bowen, Burwell, Butler, Caldwell, Calhoun, Chappell, Cheves, Clark, Clifton, Comstock, Condict, Crawford, Davis of Pennsylvania, Dawson, Desha, Duvall, Eppes, Evans, Findley, Fisk of Vermont, Forney, Forsyth, Franklin, Gholson, Glasgow, Goodwyn, Gourdin, Griffin, Hall, Hasbrouck, Hufty, Humphreys, Hyneman, Ingersoll, Ingham, Irwin, Kennedy, Kent of Maryland, Kerr, Kershaw, Kilbourn, King of Massachusetts, Lefferts, Lowndes, McCoy, McKim, McLean, Moore, Murfree, Newton, Pickering, Pickens, Piper, Pleasants, Roane, Robertson, Sevier, Sharp, Smith of Pennsylvania, Smith of Virginia, Tannehill, Taylor, Telfair, Wilson of Pennsylvania, Winter, and Yancey.

NAYS—Messrs. Alexander, Baylies of Massach'ts, Bibb, Breckenridge, Culpeper, Gaston, Gloninger, Grosvenor, Grundy, Hanson, Harris, Hawes, Hopkins of Kentucky, Hubbard, Hungerford, Kent of N. York, King of North Carolina, Lewis, Lovett, Macon, Miller, Montgomery, Nelson, Oakley, Ormsby, Pearson, Pitkin, John Reed, Rea of Pennsylvania, Rhea of Tennessee, Ridgely, Roberts, Seybert, Sheffield, Sherwood, Smith of New York, Stanford, Stuart, Troup, Vose, White, Wilcox, Wilson of Massachusetts, and Wright.

FRIDAY, July 16.

Mr. TROUP, from the Committee on Military Affairs, made the following report:

"The Committee on Military Affairs, to whom was referred a resolution of yesterday, having relation to the present movements of the enemy, report:

"That they have examined into the state of preparation, naval and military, made to receive the enemy, and are satisfied that the preparation is, in every respect, adequate to the emergency, and that no measures are necessary, on the part of the House, to make it more complete."

Which was read, and ordered to be inserted in the Journal.

Ordered, That the said report do lie on the table.

On motion of Mr. BIBB, the injunction of secrecy, imposed on the confidential proceedings of this House, of yesterday and to-day, was removed.

TUESDAY, July 20.

A Message was received from the PRESIDENT OF THE UNITED STATES, which was read, and is as follows:

[CONFIDENTIAL.]

To the Senate and House of Representatives of the United States:

There being sufficient ground to infer, that it is the purpose of the enemy to combine, with the blockade of our ports, special licenses to neutral vessels, or to British vessels in neutral disguises, whereby they may draw from our country the precise kind and quantity of exports essential to their wants, whilst its general commerce remains obstructed; keeping in view, also, the insidious discrimination between different ports of the United States; and as such a system, if not counteracted, will have the effect of diminishing, very materially, the pressure of the war on the enemy, and encouraging a perseverance in it, at the same time that it will leave the general commerce of the United States under all the pressure the enemy can impose, thus subjecting the whole to British regulation, in subserviency to British monopoly: I recommend to the consideration of Congress, the expediency of an immediate and effectual prohibition of exports, limited to a convenient day in their next session, and removable, in the meantime, in the event of a cessation of the blockade of our ports.

JAMES MADISON.

WASHINGTON, July 20, 1813.

A question was taken whether the subject-matter of the said Message required secrecy; and passed in the affirmative.

Ordered, That the said Message be referred to the Committee on Foreign Relations.

WEDNESDAY, July 21.

Mr. CALHOUN, from the Committee on Foreign Relations, to whom was referred the Message of the President of the United States, received yesterday, made a report; which was read, and committed to a Committee of the Whole.

The House then resolved itself into a Committee of the Whole on the said report; and, after some time spent therein, the Speaker resumed the Chair, and Mr. KENNEDY reported that the Committee had had the said report under consideration, and agreed to the same, with an amendment; which was read at the Clerk's table, and concurred in by the House.

The said report, as amended, is as follows:

"Resolved, That it would be expedient to adopt the measures submitted by the Message to the consideration of the House."

A long debate took place on the adoption of this amendment. Mr. CLAY, and Mr. NELSON, of Virginia, spoke in favor of the amendment, and the policy of the measure. Mr. CALHOUN spoke in defence of the report of the Committee, and in opposition to an embargo; as did, also, Mr. DUVAL, of Kentucky, Mr. TAYLOR, of New York, Mr. HANSON, Mr. GROSVENOR, and others.

The question was then taken, to concur in the said report as amended, and passed in the affirmative—yeas 78, nays 51, as follows:

YEAS—Messrs. Alexander, Alston, Avery, Bard, Barnett, Beall, Bowen, Burwell, Butler, Caldwell, Chappell, Clark, Clifton, Condict, Conard, Crawford, Creighton, Dawson, Desha, Earle, Eppes, Evans, Farrow, Findley, Fisk of Vermont, Forney, Forsyth,

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Franklin, Gholson, Goodwyn, Gourdin, Griffin, Grundy, Hall, Hawes, Hopkins of Kentucky, Hubbard, Humphreys, Hyneman, Ingersoll, Ingham, Irwin, Kerr, Kershaw, Lefferts, Lyle, McCoy, McKim, McLean, Moore, Murfree, Nelson, Newton, Parker, Pickering, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Roane, Roberts, Robertson, Sage, Sevier, Sharp, Smith of Pennsylvania, Smith of Virginia, Strong, Tannehill, Telfair, Ward of New Jersey, Whitehill, Wilson of Pennsylvania, Wright, and Yancey.

YAYS—Messrs. Bayly of Virginia, Benson, Bigelow, Bradbury, Breckenridge, Brigham, Caperton, Calhoun, Champion, Cheves, Cilley, Comstock, Culpeper, Davenport, Duvall, Ely, Gloninger, Goldsborough, Grosvenor, Hasbrouck, Hufty, Hungerford, Jackson of Rhode Island, Kennedy, Kent of New York, Kent of Maryland, King of Massachusetts, Lewis, Lovett, Lowndes, McKee, Montgomery, Moseley, Oakley, Pearson, Pitkin, John Reed, Richardson, Ruggles, Seybert, Sherwood, Stanford, Sturges, Taggart, Taylor, Thompson, Vose, Wheaton, White, Wilson of Massachusetts, and Winter.

Ordered, That the said report be committed to Mr. GRUNDY, Mr. WRIGHT, Mr. ROBERTSON, Mr. BIBB, and Mr. FISK, with instruction to report a bill, in conformity thereto.

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THURSDAY, July 22.

Mr. GRUNDY, from the committee appointed yesterday, reported a bill laying an embargo on all ships and vessels in the ports and harbors of the United States; which was twice read and committed to a Committee of the Whole House to-day.

The question was taken; Shall the bill be the order of the day to-morrow? and was determined in the negative—yeas 56, nays 79, as follows:

YEAS—Messrs. Benson, Bigelow, Breckenridge, Brigham, Caperton, Champion, Cheves, Cilley, Clark, Comstock, Creighton, Culpeper, Davenport, Ely, Forsyth, Geddes, Gloninger, Goldsborough, Grosvenor, Hasbrouck, Hopkins of Kentucky, Hungerford, Ingersoll, Jackson of Rhode Island, Kent of New York, King of Massachusetts, King of North Carolina, Lewis, Lovett, Lowndes, McKee, Montgomery, Moseley, Oakley, Pearson, Pickering, Pitkin, Potter, John Reed, Richardson, Ridgely, Ruggles, Sherwood, Shiphead, Smith of New York, Smith of Virginia, Stuart, Sturges, Taggart, Taylor, Thompson, Vose, Wheaton, White, Wilson of Massachusetts, and Winter.

NAYS—Messrs. Alston, Anderson, Archer, Avery, Bard, Barnett, Bayly of Virginia, Beall, Bibb, Bowen, Brown, Burwell, Butler, Caldwell, Chappell, Clopton, Condict, Conard, Crawford, Davis of Pennsylvania, Dawson, Desha, Earle, Eppes, Evans, Farrow, Findley, Fisk of Vermont, Forney, Franklin, Gholson, Glasgow, Goodwyn, Gourdin, Griffin, Grundy, Hall, Hawes, Hubbard, Humphreys, Hyneman, Ingham, Irwin, Kennedy, Kerr, Kershaw, Lefferts, Lyle, McCoy, McKim, McLean, Moore, Murfree, Nelson, Newton, Ormsby, Parker, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Roane, Robertson, Sevier, Seybert, Sharp, Smith of Pennsylvania, Stanford, Strong, Tannehill, Telfair, Ward of New Jersey, Whitehill, Wilson of Pennsylvania, and Wright.

The said bill was then made the order for this day.

And the House then resolved itself into a Committee of the Whole on the said bill; and, after some time spent therein, Mr. SPEAKER resumed the Chair, and Mr. NELSON reported that the Committee had had the bill under consideration, and made several amendments thereto; which he delivered in at the Clerk's table, where they were again read, and concurred in by the House.

A motion was made by Mr. WRIGHT, further to amend the said bill, by striking out from the eleventh section, the words, "unless such captures shall be expressly proved to have been hostile."

And the question being taken, it was determined in the negative.

A motion was made by Mr. PITKIN, to amend the said bill, by striking out from the twelfth section, the words, "or in any manner apparently on their way towards the territories of a foreign nation, or the vicinity thereof, or towards a place where such articles are intended to be exported."

And the question being taken it was determined in the negative—yeas 49, nays 74, as follows:

YEAS—Messrs. Bayly, of Virginia, Benson, Bigelow, Breckenridge, Brigham, Burwell, Caperton, Calhoun, Champion, Cheves, Cilley, Culpeper, Davenport, Ely, Geddes, Goldsborough, Grosvenor, Hasbrouck, Hawes, Hufty, Hungerford, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Lewis, Lovett, McKee, Montgomery, Moseley, Oakley, Pearson, Pickering, Pitkin, Potter, John Reed, Richardson, Ridgely, Ruggles, Smith of New York, Stanford, Sturges, Taggart, Thompson, Vose, Wheaton, White, Wilson of Massachusetts, Wilson of Pennsylvania, and Yancey.

NAYS—Messrs. Alston, Anderson, Archer, Avery, Bard, Barnett, Beall, Bibb, Bowen, Brown, Butler, Caldwell, Clark, Clopton, Condict, Conard, Creighton, Davis of Pennsylvania, Desha, Earle, Eppes, Evans, Farrow, Findley, Fisk of Vermont, Forney, Forsyth, Franklin, Gholson, Goodwyn, Gourdin, Griffin, Grundy, Hall, Hopkins of Kentucky, Hubbard, Humphreys, Hyneman, Ingersoll, Ingham, Irwin, Kennedy, Kent, of Maryland, Kerr, Kershaw, King of North Carolina, Lefferts, Lowndes, Lyle, McCoy, McKim, McLean, Murfree, Newton, Ormsby, Parker, Pickens, Piper, Pleasant, Rea of Pennsylvania, Rhea of Tennessee, Rich, Roane, Roberts, Robertson, Sevier, Sharp, Smith of Pennsylvania, Strong, Taylor, Telfair, Ward of New Jersey, Whitehill, and Wright.

The question was then taken that the said bill be engrossed and read the third time? And passed in the affirmative—yeas 78, nays 56, as follows:

YEAS—Messrs. Alston, Anderson, Archer, Avery, Barnett, Beall, Bibb, Bowen, Brown, Burwell, Butler, Caldwell, Chappell, Clark, Clopton, Condict, Conard, Creighton, Davis of Pennsylvania, Dawson, Desha, Earle, Eppes, Evans, Farrow, Findley, Fisk of Vermont, Forney, Forsyth, Franklin, Gholson, Glasgow, Goodwyn, Gourdin, Griffin, Grundy, Hall, Hawes, Hopkins of Kentucky, Hubbard, Humphreys, Hyneman, Ingersoll, Ingham, Irwin, Kerr, Kershaw, King of North Carolina, Lefferts, Lyle, McCoy, McKim, McLean, Moore, Murfree, Nelson, Newton, Ormsby, Parker, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Ten-

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nessee, Rich, Roane, Roberts, Robertson, Sevier, Sharp, Smith of Pennsylvania, Strong, Telfair, Ward of New Jersey, Whitehill, Wilson of Pennsylvania, Wright, and Yancey.

NAYS—Messrs. Bayly of Virginia, Benson, Bigelow, Breckenridge, Brigham, Caperton, Calhoun, Champion, Cheves, Cilley, Comstock, Culpeper, Davenport, Ely, Goddes, Gloninger, Goldsborough, Grosvenor, Hasbrouck, Hufty, Hungerford, Kennedy, Kent of New York, Kent of Maryland, King of Massachusetts, Lewis, Lovett, Lowndes, McKee, Montgomery, Moseley, Oakley, Pearson, Pickering, Pitkin, Potter, John Reed, Richardson, Ridgely, Ruggles, Seybert, Sheffey, Sherwood, Shipherd, Smith of New York, Stanford, Sturges, Taggart, Taylor, Thompson, Vose, Wheaton, White, Wilson of Massachusetts, and Winter.

The bill was ordered to be read the third time to-day, and accordingly was read the third time, when a motion was made by Mr. PITKIN that the said bill be postponed indefinitely; and the question being taken, it was determined in the negative.

The question was then put, Shall the bill pass? And passed in the affirmative—yeas 80, nays 50, as follows:

YEAS—Messrs. Alston, Anderson, Archer, Avery, Bard, Barnett, Beall, Bibb, Bowen, Brown, Burwell, Butler, Caldwell, Chappell, Clark, Clopton, Condict, Conard, Crawford, Creighton, Davis of Pennsylvania, Dawson, Desha, Earle, Eppes, Evans, Farrow, Findley, Fisk of Vermont, Forney, Forsyth, Franklin, Gholson, Goodwyn, Gourdin, Griffin, Grundy, Hall, Hawes, Hopkins of Kentucky, Hubbard, Humphreys, Hyneman, Ingersoll, Ingham, Irwin, Kerr, Kershaw, King of North Carolina, Lefferts, Lyle, Macon, McCoy, McKim, McLean, Moore, Murfree, Nelson, Newton, Ormsby, Parker, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Roane, Rob-

erts, Robertson, Sevier, Sharp, Smith of Pennsylvania, Strong, Tannehill, Telfair, Ward of New Jersey, Wilson of Pennsylvania, Wright, and Yancey.

NAYS—Messrs. Bayly of Virginia, Benson, Bigelow, Breckenridge, Brigham, Caperton, Calhoun, Champion, Cheves, Cilley, Comstock, Culpeper, Davenport, Ely, Goddes, Gloninger, Hasbrouck, Hufty, Hungerford, Jackson of Rhode Island, Kennedy, Kent of New York, Kent of Maryland, King of Massachusetts, Lewis, Lovett, Lowndes, Moseley, Oakley, Pickering, Pitkin, Potter, John Reed, Ridgely, Ruggles, Seybert, Sheffey, Sherwood, Shipherd, Smith of New York, Stanford, Sturges, Taggart, Taylor, Thompson, Vose, Wheaton, White, Wilson of Massachusetts, and Winter.

Ordered, That the title be, "An act laying an embargo on all ships and vessels in the ports and harbor of the United States," and that Mr. GRUNDY and Mr. ROBERTSON be appointed a committee to carry the said bill to the Senate, and inform them that the House have passed the same, in confidence, and request their concurrence therein.

THURSDAY, July 29.

A message was received from the Senate, by Mr. CAMPBELL and Mr. VARNUM, their committee:

Mr. Speaker: The Senate do not concur in the bill passed by the House of Representatives, entitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States."

A motion was made by Mr. WRIGHT, that the injunction of secrecy imposed upon the proceedings of this House on the Message of the President of the United States of the 20th instant, be removed.

And the question being taken thereon, it passed in the affirmative.

SUPPLEMENTAL SPEECH.

SPEECH OF WILLIAM HUNTER,

OF RHODE ISLAND,

In secret session of the Senate of the United States, February 2d, 1813, on the proposition for seizing and occupying the Province of East Florida by the troops of the United States.

MR. HUNTER rose, and addressed the Chair as follows—

MR. PRESIDENT: It is, sir, with the utmost reluctance that I make the attempt to suggest some remarks on the present subject. For, although the question now under consideration is confessed on all sides to be one of the deepest interest and importance, involving in its decision no less a consequence than that of a change of our relations with a friendly Power, from a state of peace to that of war, yet we have been informed by the honorable gentleman from Maryland, (whose judgment on all occasions, from his experience and standing here, is entitled to peculiar respect,) that every exertion will be unavailing, and that it is the pre-determination of a majority of this Senate to adopt the present bill. If that gentleman desponds, after his own able and ample discussion of the present bill, and his own vigorous efforts to prevent his own prediction, it would be presumption in me to hope. Whoever, too, moves in the discussion of this question, must go on depressed, if not alarmed, by the denunciation of the honorable gentleman from Georgia, who, in the overflowing of an allowable zeal and anxiety, (connected, as he deems the success of this bill to be, with the peculiar interest and advantage of his own State,) has declared it not less than insatiation, that pretends to foresee any evil consequences resulting from its adoption.

In spite, however, of the forlorn hope to which I am condemned by the honorable gentleman from Maryland, and the certainty of incurring the penalty of the denunciation of the honorable gentleman from Georgia, (to whose personal good opinion I am far from being indifferent,) I feel myself impelled by obligations of duty, by a fair interpretation of the instructions of my constituents in reference to another occasion, and the clearest convictions of my understanding, to record my vote against the present proposition; and, from the pressure of the same motives, I find myself induced, hopeless and unpropitious as is the occasion, to assign my reasons for that vote.

And in the first place, is it nothing, is it a consideration worthy of no regard, that this House has but lately, after a protracted and solemn discussion, rejected the very proposition contained in the bill before us? Is a character for consistency in its measures of no importance to this

branch of the Legislature? Does not the peculiarity of its construction—the duration of its members in office, and the very mode of their appointment, indicate the hope that it would be, and the design that it ought to be, distinguished for the consistency of its conduct? Do not all the speculations upon the theoretic perfection of our Constitution contemplate this, as the body that, resisting temporary impulses, and opposing its own firmness to a fluctuating and imbecile policy, would give something like system and stability to our national councils?

Sir, I doubt not our power at all times, and upon great and extraordinary occasions I doubt not the right, the expediency, and propriety of reversing our decisions. No body of men can be infallible, and therefore its decisions ought not to be irreversible. All I contend for is, that a case clear and strong indeed ought to be made out, to induce the Senate to forfeit, or even to hazard its character for stability and consistency. I do not say that our deliberate decision, a few months since, is such conclusive proof of its absolute perfection, of its entire impeccability, as that it operates as an estoppel upon all subsequent inquiry, and necessarily precludes all debate; but grounding myself upon a well-known distinction, I do say, it is most persuasive, convincing, and satisfactory evidence of the correctness of that decision, and that, according to all the principles of parliamentary usage, deducible either from the rules of a sound logic, or from judicial analogies, it imposes on the honorable mover of this proposition, and all its advocates, the necessity of substantiating, by new and further evidence, by arguments not before adduced, and by considerations of policy arising out of a new juncture of our affairs—the wisdom, propriety, and necessity of the present proceeding.

This too, sir, ought to be done with a clearness and copiousness of truth sufficient to repel the unwarrantable and inevitable suspicion which always attaches to a renewed effort for a rejected measure; to an application for a new trial, upon a suggestion of new and further evidence. What is the actual case? Have we new proof; even new statements? Have we had anything but arguments before refuted? Is the relation of our country different? Has any new event taken place? No, sir, it is not even pretended. I do, therefore, on the ground of our former decision, on the ground that we were then right, and on the absence of all new inducement from proof, statement, or argument, to do away that presumption, call upon gentlemen, as they respect themselves individually—upon the Senate, whose character for consistency and dignity (most important and essential attributes of that character) will be compromitted and hazarded with the Na-

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tion, to resist this overthrow of their best resolves—to stand to their former opinions, and to permit no contradictory record to be produced against them, to the degradation of their established political character and consequence.

Sir, on this point of consistency and adherence to our former resolves we ought to be the more tenacious, because we have excited hopes and expectations among our constituents, and especially the commercial class, that we ought not to disappoint. Next to an English, a Spanish war is the most disastrous, in which this country can be engaged. It affects, most deeply, the little commercial enterprise that is suffered to exist in the country. Upon the suggestion that you were playing at this deep game last session, a hundred commercial enterprises, connected with shipments to Spanish countries and colonies, were suspended. Upon your wise and virtuous rejection of this measure, hundreds of shipments, of enterprises grounded on your consistency, upon your permanency of system, have commenced, and are now proceeding.

Sir, it will be a gross breach of faith towards the commercial world—they will be ruined by this secret declaration of war. It will burst upon them, from this conclave, like a hurricane from the cave of *Æolus*, sweeping into the power of your enemy as large an amount of property as that for which we pretend we are solicitous to seek indemnification. Where is our property—our commerce? At Cadiz, at Havana, at Lisbon. Do you suppose that the Spaniards, and the Portuguese, their allies, are dullards and fools, and that they will omit the fair and honest exercise of the rights of reprisal and retaliation? Will they not preach our doctrines against ourselves—practice our own arts, and repel aggression by aggression?

It is not on the mere ground of obstinate, unenlightened, indiscriminating adherence to your former measures, that I appeal to your sense of honor, magnanimity, and consistency; but in relation to the prospect of loss—of disastrous consequences—of wide spread distress. The merchants are now pursuing a lucrative honest trade with a friendly nation, upon the ground of their special and unsuspecting confidence in this Senate. Will you disappoint that confidence, and expose them to inevitable ruin—yourselves to inevitable censure?

Sir, why should we, as a Senate, at this time introduce this proposition? Is it by way of penitence for our former sin—a means of obtaining pardon for our past offences—a reparation for wrongs we have done? Or is it that some terrible necessity exists, that the Senate should entitle itself to forgiveness, and propitiate selfish and senseless clamor by an act of submission and a surrender of its former opinions? Sir, I know we have the right to originate this measure; but is it proper, expedient, decorous, in us to do it? It was, at first, the measure of the House of Representatives; let them at least reproduce it. Why this attempt to oblige us to adopt a bantling they have

abandoned? Why court a perilous responsibility, which it seems they have no longer the fortitude to encounter? At second hand, with our intermediate decision to break off the storm of public censure, they may be willing to adopt it; but let us leave to them the honor and the peril of this at least contingent measure. If it will be so productive of good, as some gentlemen predict, it will be an act of condescension and liberality for us to relinquish our pretensions in their favor; but if it be an act pregnant with innumerable evils, let the responsibility rest upon the broad shoulders of the immediate Representatives of the people. They have a power to which we cannot pretend; that of originating money bills—of devising the system of taxation. The present war has exceeded, in expense, all previous calculation; has transcended every estimate; and the expense of the next year will be at least double that of the last. A new war must inevitably lead to a farther enormous increase of the public burdens. Shall we originate measures, and leave to them the laborious, I am afraid odious, task of exacting from the pockets of the people the means of executing them? Or shall we heedlessly precipitate the country into a new war, ignorant whether the means will ever be provided to carry it on? Let us at least wait to see what is the system of taxation which their wisdom and patriotism will present to us. It may be too intolerable to be adopted; then this measure must fail, and we shall, as a Senate, have lavished our precious stock of public favor in a legislative effort at once premature and impotent.

Sir, I wish to husband our peculiar reputation. Prudence, caution, and circumspection, but, above all, independence; a firm, severe, and erect independence, ought to be the distinguishing qualities of this grave and dignified assembly. It is not for us to court popularity; but I am not unwilling to augment and corroborate our claims upon the public gratitude. We have already this session done much; we originated, and carried through, with uncommon despatch and unanimity, the bill for the augmentation of the Navy. We conducted, with like despatch and unanimity, our proceedings in regard to the merchants' bonds. We have unbound, from the rack, the victims of financial extortion, and preserved an useful and unoffending class of citizens from ruin, and the nation from disgrace. Let us not surrender these strong holds upon the public confidence. Let us at least not invoke public execration, by a rash declaration of an additional, unjust, and an unnecessary war. If the car of State is to be driven, Jehu-like, to destruction, let us refuse to be the charioteers.

I admit that these objections are entirely preliminary, and relate not so much to the specific merits of the question now under consideration, as to the point whether we ought to consider it at all. Whether (if I may so express myself) we ought to assume of it any cognizance whatever. But, in my humble conception, these objections are not less valid and important for being preliminary considerations, such as naturally and ne-

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cessarily precede, and for a time exclude the discussion of the main question.

And, sir, there is another remaining topic under this head of argument, of more prevailing force than either of those I have attempted to illustrate.

Why, I ask, is there, in the mode of presenting this measure, a total evasion of Presidential authority? Is it a measure of the Cabinet? Then, why has it not the sanction of Presidential recommendation? Why are we to be used as a Constitutional screen, interposed between the people and the efficient initiator of this measure? Where is the Message, where is the manifesto, spreading out, in the expansion of detail, this declaration of another war, against an innocent, neutral, and friendly country? Is it not a Presidential measure? Then we are driving on to the consummation of a deed of dreadful import, without the usual and necessary instructions on this subject. It may be that we are doing something in opposition to another branch of the Government, who may hold, on this subject, opinions adverse to ours; and we are voluntarily subjecting ourselves to the peril of a dangerous conflict between the Constitutional authorities. This, I again admit, we have the power of doing; but is it right, proper, expedient, and decorous to do it? There may be an extreme case presumed, when it might be proper, at all hazards, to exercise this power; but will gentlemen pretend that the case has, in this case, occurred? Is this an occasion of such pressing emergency, of such imperious necessity, of such obvious enormity, as compels us from duty and principle to act, even at the hazard of interrupting the harmony of the different departments of the Government?

By the third section of the second article of the Constitution it is made the duty of the President, from time to time, to give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient. It is his imperative duty—he *shall* do it. It is a fair presumption, that if he thought this measure advisable, just, honest, practicable, and expedient, that he would have recommended it.

I know, sir, that some gentlemen object to this course of observation, and alarm themselves with a jealousy that there is in this argument something that imports a surrender of the independent powers of this House, and they repel, with some warmth and indignation, the opinion that we should not act upon our own plans and conceptions without a previous Presidential recommendation. Most undoubtedly the gentleman from Pennsylvania is correct—I admit it—this is the theory of the Constitution, and there may be cases in which it would not only be the duty of this House to act without Presidential communication, but something like treason not to act. But is this such a case? This resort to the dormant, theoretical principles of the Constitution, in contradistinction to the daily, well-understood, and unobjectionable practice of every Administration—this assertion of a truism, which, in the abstract, nobody is disposed to deny; this stripping

a case of all its circumstances, for the purpose of facilitating the progress of an unusual and unexplained course, is, I confess, not a mode of reasoning for which my plain and unscholastic mind has a preference. I admired the animation and the spirit with which the gentleman from Pennsylvania asserted his own personal independence in regard to the Executive, and feel grateful to him for the clear exposition of the principles upon which our independence as a political body is Constitutionally withheld; and I accord with him in the assertion, that initiative legislation in all cases, but those of revenue, and uninfluenced deliberation in all cases, without exception, is the right and privilege of this House.

But the exercise of this right, to be practically useful and beneficial, will, from its very nature, be infrequent. It is no corroboration of that right to assert it in unqualified terms, or to resort to it without judicious discrimination or self-evident necessity. And, sir, in a case involving a change of our relations, from a state of peace with a friendly nation to that of war, no instance can hardly be imagined, in which our primary interference would be justifiable. It was clearly shown by my honorable friend from Connecticut, with a peculiar felicity of illustration, and an irrefutable force of argument, to be in as little accordance with the spirit of the Constitution as it is contrary to the uniform practice under it. It may be, sir, reprobated as a Tory doctrine, but I have imbibed it, from an attention to the cases that have occurred under the Administration of Messrs. Jefferson and Madison. In the great cases of the two embargoes, in that of the war with England, in this very measure heretofore, and, indeed, in all where a change of our relative situation with foreign Powers was contemplated, we have had an Executive Message—a distinct recommendation. And, sir, this is the true Whig doctrine; it is the correct Republican course; it fixes the responsibility upon one person; it limits—it defines it—it reduces it to a single point. We can judge of the recommendation, by the reasons by which it is enforced; we can venture to indulge in a warrantable confidence, as to the truth of the statements that are made, because we know they are made under the consciousness and the peril of the highest official responsibility. If the measure recommended, and made the basis of our proceedings, should afterwards appear to have proceeded from base, corrupt, or traitorous motives, by the Constitutional process of impeachment the transgression would be visited on the actual transgressor, the national honor would be redeemed, and the public justice would be vindicated.

But, in the present mode, who is responsible—who, in any event, would be impeachable? To the President, solely, in the first instance, is intrusted the treaty-making power. He watches over our concerns with foreign nations: he has the means of intelligence—the power of interference. If the former relative situation of our affairs with Spain has changed, he ought and will, unless you presume him criminally indifferent to his

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sacred duty and his country's welfare, announce that change. Shall we clamorously rush to arms, when the sentinel on the watch-tower has lighted no beacon—has sounded no trumpet—has rung no alarm-bell?

How do we know that the functions of the treaty-making power in this instance have ceased; that the virtuous attempt to preserve the country in peace has been abandoned in despair? May we not heedlessly and officiously interfere with unclosed negotiations on this very subject, and thus disappoint the best concerted efforts of the proper authority directed to the attainment of this very object, by peaceful in preference to belligerent means? Was not this the very argument urged successfully the last session in relation to France?

Were not the manifold and enormous injuries committed against us by France equally reprobated by all parties, and did we not all agree that reparation—prompt, comprehensive, effectual reparation—was due? What restrained us from requiring it in the same way from France, as we did from England? Because the President announced to us that negotiations with the one Power, and not with the other, were closed. Let us wait for the same communication in regard to Spain.

These considerations, drawn from the nature of the treaty-making power, when first urged by my honorable friend from Connecticut, seemed, by the admission of the honorable gentleman from Kentucky on my right, to have made their proper impression on his candid and intelligent mind. But, he has struggled manfully against his tendency to be convinced against his will, and has reconciled himself (as we all too easily can) to a former favorite prepossession. But, the course of reasoning by which the honorable gentleman achieved this victory over himself, is to my humble conception as fallacious in principle as it has been, when acted on by ministers and politicians, baneful in its effects. It is grounded on the assumption of the fact, that there is no existing authority in Spain, with whom it is safe and proper to treat. This, too, is the favorite argument of the honorable gentleman from Georgia, who last addressed you. The stress and substance of his very able address appeared to me to be this: You must do this act; necessity constrains you to adopt it, as a measure of security and precaution. You cannot negotiate; there is no Spain with whom to treat; or at any rate there is no Spain, but as identified with Great Britain.

In the true republican language of old times, I should say, that is the Government which the people *will* to be so; and I should take the evidence of that will, not from an English newspaper—Cobbett's Register, which was quoted by the honorable gentleman from Georgia—but from their formal public acts. I agree the hereditary King was Charles; the rightful King is Ferdinand; the intrusive, usurping King is Joseph. The country is invaded by France, and is closely allied with England; but still, in principle and fact, and for all efficient purposes, the Government is Spanish

—legitimately Spanish—represented and conducted by the agents of the Spanish nation; who make treaties, contract alliances, fight battles, achieve victories, and perform all the essential duties and mighty functions of a great nation. We have, at this very moment, a Minister from that nation resident in this country—why he has not been publicly acknowledged, it is not for me to say—who has tendered reparation for all the wrongs Spain has at any time inflicted on this country;—on her part, unintentional wrongs, occasioned by the peculiarity of her situation, and inflicted, not from injustice, but in consequence of French instigation, and French despotic dictation. The whole of our unpublished correspondence with Spain, proves that she acted under duress. These wrongs, sir, were accidental blows, which, in the paroxysm of distress, she directed without aim against a friend; and for which, now restored to sanity and freedom, she feels penitence, and offers reparation. It would be unjust to avenge ourselves in her present distresses; ungenerous, because her house is on fire, to plunder it of its precious effects; unchristian, not to meet penitence with forgiveness.

According, sir, to our American principles, grounding ourselves on the acknowledged rules of public law, there always is a legitimate Government *de facto*: we interfere not with the independence or interior constitutions of foreign nations. I admit that there may exist circumstances to which this, as a general rule, must bend; but it is a fact, that has been repeatedly stated in print, and never contradicted, and, to the conviction of my mind, ascertained by circumstances, that the reparation offered by the Minister of the Cortes of Spain was an immediate reparation—a reparation *in rem*—by the delivery of dollars actually in this country to the amount of all our fair claims; the amount to be settled by Commissioners, upon the principle of the very convention made by Mr. Charles Pinckney, once acquiesced in by this very Senate, and highly advantageous to this country. If we get the reparation by honest means; if we were snug in our indemnity by consent of parties; we clearly should have an equitable, and in all events a legal right, to retain it, let what would happen. No matter who might hereafter occupy the Government of Spain, no action for money had and received could be rightfully instituted against us, and, if attempted to be exacted by force, we should then clearly have a right to repel force by force. We ought to have disdained the menaces of an interfering, usurping Power—have consulted solely American interests and feelings—have taken the money and paid it over to the suffering merchants, to whom it belonged.

It strikes me as something strange, indeed, that gentlemen should assert that Spain has no Government, and yet in the same breath assert that she is in strict alliance with Great Britain. Is she incapable of maintaining the relations of peace and amity, and yet in strict alliance with another nation? Has she not lately, likewise, formed a treaty with Russia, who has acknowledged her independence? Has she not lately issued a dec-

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laration of neutrality, in regard to this country and our present war? If Spain has no Government, she has no colonies—no jurisdiction over them; they are separated from the mother or metropolitan country; they become, as to her, foreign, independent countries; as such, their rights ought to be by us respected. We have no right to avenge ourselves for Spanish wrongs on countries not Spanish.

Sir, the experience of all ages proves that it is idle to debate upon the theories of a Constitution, in relation to the observance of treaties. If a fair and rational treaty be made, so that it is the mutual interest of parties to observe it, you have obtained the true security, and only wise dependence for the continuance of peace. Treaties made by a Government, when under one form of internal constitution, are still binding, though that form may be changed. We have acted on and recognised this principle. Do we know of any King of Spain but Ferdinand? It is admitted he has been announced to us. Has the pretended claim of Joseph Bonaparte to the Crown of Spain, its territories and colonies, ever been made known in a formal and official manner to this Government? Have we ever acknowledged it? Have we had any legal, or even constructive notice of his arrogant pretensions? If so, where is the correspondence? Who is his Minister? Do we mean to take possession of this country, under color of that title? Have we bargained, in the Treaty of Limits negotiated by Mr. Barlow, for the cession of this country to us? What was the consideration of that bargain—what were its terms? Is it indeed true, that the offered compensation for the robberies committed on us by France, is to be an issue of a batch of licenses and a cession of East Florida? A reparation of ill faith, by permitting us again to be exposed to its treachery; a restitution for plunder, by authorizing us to plunder!

On a former occasion, when we were about to take a Territory, confessedly ours by treaty and purchase, we were told by France to stay our hand; did we not obey her? Was not, even at that time, the magnanimity (as it was called) of France a theme of eulogy in this country? Was not the answer of Talleyrand to our Minister—I think Mr. Livingston—a plain and (if the phrase can be applied to him) an honest one? If you go to war with Spain, France will take the part of Spain. And did we not in consequence desist? You either have or have not got the assent of France to this seizure. If you have got it, it is by private, covert negotiation—a mean acceptance of illegal plunder from a Power, whose ten thousand wrongs, injuries, and insults, are unredressed, uncompensated, unrevenged.

If we have not got her assent, we act inconsistently, and encounter the very danger—that of a contested title—which we affect to be solicitous to avoid; and in case (which, God forbid!) France should be victorious in her attempt to overthrow the liberties of mankind, we should have to restore it at her bidding. She will convert us into a mere trustee of her own appointment, for her

own benefit. She will have a cession from Spain, previous to our conquest.

Everything in relation to the claim or right of France seems to be evaded—but gently touched, hinted at, with the utmost delicacy and caution—traced, as it were, in doubtful characters, in chemical ink, which the heat of some future occasion is to bring out. We know our Spanish concerns are closely linked with our French concerns; but how, to what extent, we are not permitted to know. We are too scrupulous to treat with Spain as the ally of England, because we deem it beneath our dignity to treat otherwise than with an independent and co-equal Power. Yet, is it not true, that when Spain was in a state of vassalage to France, this was deemed no objection to frequent negotiations? We asserted her nominal independence, and treated with the vassal by permission of the *lord*, and for his *benefit*.

Does the gentleman mean to say, we ought to take possession of St. Augustine, because the Spanish local authorities are opposed by conspirators, traitors to their own country—no, they have no country—by renegadoes—a banditti; or, (to state this in terms as little offensive as possible to the feelings of gentlemen,) because there is a Jacobin, revolutionary movement in that country? Does a really deep, honest, spontaneous, revolutionary movement exist there? Is it not, on the contrary, an artificial, concerted, contrived, petty, patched-up, miserable treason, paid for by our money, fomented by our people? Who caused that movement? Was it not solely occasioned by American interference—by American instigation? When the names were read, from Matthews's communication and the other papers, could the gravest among us forbear to smile at the paucity of Spanish names among the conspirators? There was here and there a Don Juan, and a Don Gomez, in a long list of well-known American names and characters.

I ask gentlemen, did we find a revolution there, or did we create it? And shall we, in violation of the principle which protects us and every civilized society, from hateful, corrupt, foreign interference, in shameful inconsistency with all we said and did in Henry's affair, take advantage of our own wrong, and, with an hypocrisy unrivalled but by Bonaparte himself, practice the very arts against an innocent, unoffending people, against which we were justly indignant, when we had even a distant suspicion that they might be used against our honor, our integrity, our independence? But, sir, I will not further, at present, pursue this topic. My object is not to excite adverse feeling, but merely to awaken a strict attention, and direct a temperate investigation to the proposition before us. What is that proposition; what is the statement of the case, as presented us by the honorable Chairman of the committee? It is to seize a province belonging to Spain; to seize and occupy it by the armies of the United States; to besiege an important and formidable fortress; to use force against a present friendly, neutral Power—that is, in short, to wage war against Spain. What are the avowed rea-

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sons, or rather pretexts?—I say pretexts, because it is historically and proverbially true, that those who are determined on war—who are greedy for conquest—can always find pretexts, and dignify them with the name of reasons. War, indeed, is the *ultima ratio regum*; and when we read the manifestoes of Kings determined to make war, it is more that literary curiosity may be gratified, than that our consciences may be enlightened, or our understandings convinced. We may occasionally be delighted with the speciousness of statement and dexterity of argument; we may be momentarily dazzled with the splendid colors with which ingenuity may deck the robe of fraud, but the inherent deformity of the design it is impossible to conceal.

Imbecile, indeed, must be the understanding—disingenuous, indeed, the nature—of that man, who does not instantly detect and despise the miserable, though elaborate sophistry, which justifies invasion, and instigates to plunder, and (in wretched inconsistency) seeks a confirmation of independence and a guarantee of the integrity of empire in the subjugation of an innocent neighbor, and in propagating, as the precursor of arms, the holy doctrines of insurrection, treason, and rebellion. I own that I rejoice that so much pains have been taken to apologize for this measure. It shows that we still retain some sense of shame—that we do not surrender our innocence without some decent struggles to save appearances. We have not, as yet, acquired the unblushing hardihood of our great prototypes and models. Though unjust in our design, we pay some homage to justice; we dare not openly despise what mankind have hitherto deemed most sacred; we acknowledge that flagrant injustice ought to arouse indignation. The invasions that have been carried on by other nations—the different partitions of Poland—the capture of the Danish fleet—we agree were atrocious acts. But, our occupation of East Florida, partly by force of arms, and partly by subornation of treason, is a different affair; our pretext is indemnity. It has long ago been elegantly said, that when a lamb is to be devoted, any thicket in which it may happen to stray will furnish the fuel necessary for its sacrifice.

But, sir, I recollect there is an argument which has been distinctly announced, and was strenuously urged by the honorable gentleman from Tennessee on my right, which is worthy of examination, though, I humbly conceive, susceptible of easy refutation. He denies this will be war. As this argument comes from so respectable a quarter, I will endeavor to obviate it, not by reasonings of my own, but by the most complimentary course I can adopt—by the quotation of respectable and conclusive authority. We will appeal to the writers on the laws of nations, and to *Vattel*, as the most authoritative and judicious of all those writers. [Here, Mr. HUNTER quoted *Vattel*.] Leaning then, sir, upon this staff of authority, I say this is not only war, but an offensive war; not only an offensive, but an unjust war; not only unjust, but I am, for the honor

of my country, deeply apprehensive that, in the minds of foreign nations—in the minds of a majority of this nation, whose moral sense it will offend—it is liable to the odious epithet contained in the last sentence I have quoted: It is a wicked war; it is robbery!

If this is not war, but something done only in reference to and for the security of an indemnity; a reducing of a legal *lien* into possession; a process to confirm peace; an instrument of negotiation;—it is a measure the President already has in his power; it is the treaty-making power; he can act without our aid.

But, sir, can there be any doubt that this act will be war against Spain? If we reject *Vattel's* definition, shall we adopt that of Mr. *Jefferson*? Is it not an effort to do, in this instance, as much harm as we can? Is it not an attempt to reduce the people of East Florida to a foreign yoke? Are gentlemen discontented at the expression? Let them examine it; it is strictly correct. Their independence of us is to be presumed as valuable to them, as our independence of them is valuable to us. They have an equal right to self-government. Their peculiar habits, usages, and institutions, their very prejudices and errors, are as dear to them as ours are to us. Do we affect to pity them, and compassionate their real or imaginary sufferings, under what Mr. Monroe calls a tottering and irresolute Government? They deeply reciprocate your commiseration, and congratulate themselves that they are not as we are—Protestants, republicans, and sinners.

Shall we adopt Mr. Madison's definition of war? He describes—and a majority here must say, justly describes—impression as an assumption of self-redress; a substitution of force, which falls within the definition of war. Do we pretend that we can invest fortresses, circumvallate cities, raise fleets and armies, and move them against a foreign nation; have all the pride, pomp, and circumstance of war, and yet prevent this from being war, by asseverating it is not war?

Sir, I cannot for a moment hesitate to believe it will be war in fact. So deemed by Spain and her allies; so deemed by the people of the United States. It is at least the contemplated, apprehended, inevitable consequence of our act. Why not then declare it directly, unequivocally, and without evasion? The rule of common law is, in this respect, the rule of common sense, and of universal equity. What you ought not to do directly, you ought not to do indirectly. Intending war—at least, calculating that the inevitable consequence of your proceedings will be war, why do we not frankly, manfully, magnanimously declare it? Let the people of this country understand it; let us have an open war for an avowed object. Why should we shroud our intention in dastardly ambiguity? This evasive course—this doing a thing *per obliquum, per fraudum*—is what our Constitution, springing as it does from our republican habits, from our inborn love of justice, from our moral aversion to conquest, and our physical inaptitude for it; from our love of peace, from our well founded apprehensions that our

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extent of territory is already dangerously excessive; this evasive course—this obliquity of conduct—is what our Constitution, influenced by these considerations, prohibits, deprecates, and disdains.

Though I am afraid, sir, this argument, in reference to the constitutionality of our course, according to the fashion of the day, will be deemed a point of little consequence; yet, sir, I deem it proper to suggest and enforce it. By our Constitution, there can be no merely constructive declaration of an offensive war; it must be a direct one. As a Legislature, we have the power, not of making war, but of declaring war. Congress shall have power "to declare war." This clause, so worded, must evidently settle the old litigated question raised by many writers on the laws of nations, viz: whether a declaration should not always precede an offensive war? We are to declare it, to announce it in plain terms to our people, and to the enemy. It is intended we should refer them to a plain declaration of the change of our condition—not draw them into it by an act circuitously leading to this result, and involving this as an inevitable consequence.

In interpreting our Constitution, when it refers to the topics treated of, and the terms used in the law of nations, our construction ought to be in conformity to the law of nations; as much as when it adopts the principles and terms of the common law, we must refer to them, by them elicit its meaning, and modify its construction. War has a technical meaning in the law of nations. To declare war, is a precise, technical, appropriate, unambiguous, undeceiving phrase. It is the peculiar idiom of a just and wise nation. The declaration with us must always precede the act; of course, I refer to offensive war. Defensive war explains and declares itself. The framers of our Constitution intended, that our offensive wars should be few, indeed; never, except in a case of terrible necessity. They intended they should be lawful wars, in due form—the *justa bella* of Grotius. There must be a *denunciatio belli*. This is one of the restraints imposed, and intended by the Constitution as a check against the sudden or frequent breaking out of this pestilence of the human race.

Sir, if you pass this law, to take possession of the colony of a foreign, friendly, European Power, you make no previous declaration of war. But, by the concession of all, it is war. It is absurd to say, you can shatter my arm, and cut off my limbs, and pretend it is not war upon my person. To say nothing of the unfairness and injustice of this course towards the foreign nation, who has thus no chance of making you voluntary reparation for real or imaginary wrong, what is your conduct towards your own citizens? What is their miserable, because uncertain, condition? Would it be treason to-morrow for American citizens to give information to the Government of St. Augustine, to supply their settlement with arms and provisions? Would it be treason to supply the European mother country with grain? Sir, there are no means of a nation carrying

into effect an extra-territorial law, against a foreign resisting nation, but by force, but by war. Ought you not to apprise your own citizens? are they to be endangered and entrapped? If they can supply without treason, they certainly can without misdemeanor. For this act is included in the definition of treason, and all mere misdemeanors are merged. The people of St. Augustine become your enemies; can you carry them succor? Will you venture to indict for treason those who supply them? Or will you, most inconsistently and absurdly, permit your own citizens to counteract your purpose, and frustrate your object? Will you place yourselves in the undignified, embarrassing attitude, of seeing them violate your laws, and yet be dispensable?

Sir, there is something in this proceeding, at which the genius of our Constitution revolts; it violates all our fundamental maxims of internal intercourse and Constitutional construction; it inverts all our theories, it overthrows all our precedents.

What, sir, are the justificatory causes of this war, as understood by General Pinckney? Not that he approves them; he seems anxious to explain to the Government that he acts as a soldier in obedience to command; he accepts with reluctance his compound character, half military, half diplomatic, and industriously collects apologies for the act he is compelled to execute, from his correspondence with the Government. He enumerates six distinct grounds, on which he understands he is to justify his occupation of the Province of East Florida:

1. Indemnity for the spoliations committed by Spain.
2. Refusal to grant an amnesty to the Spanish revolutionary patriots.
3. The pretendedly illegal attack upon the troops at Moosa, during the negotiation.
4. Excitement of the Indians.
5. Seduction of negroes into the service of the Spaniards.
6. The apprehension of the use that may be made of the country, by our present enemy, Great Britain.

They may be all included in the convenient and comprehensive phrase of Mr. Pitt, the splendid apology of years of protracted war—indemnity for the past, security for the future; but, above all, satisfaction for our honor.

The first general ground, indemnity for the past, consists in an assertion that injuries have been committed against us by Spain, and that reparation has been, and is, refused. The second general ground resolves itself into necessity. This but too frequently is the tyrant's plea; but, in the present case, it is asserted to be an honest necessity, justifying, on military maxims, this measure, as the dictate of self-defence.

That Spain, unregenerated, unrevolutionized, ancient Spain, as the ally of France, and as instigated by France, committed unwarrantable spoliation on our commerce, is true; but that she has ever denied reparation and indemnity, I conceive that every step taken, in the various negotiations

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with her, will disprove. It can hardly be expected that I shall enter into a minute and elaborate discussion of these negotiations—the mere perusal of documents, published and unpublished, would occupy more of the precious time of the Senate than I feel myself authorized to consume. But, sir, I have felt it my incumbent duty to peruse these documents, to consider them with all the attention the importance of the subject demanded, and I have perused them with all the eagerness of curiosity, and that spirit of impartial inquiry, which a young and unhackneyed politician, who avows himself free from prejudices and prepossessions, in common liberality, I hope may be presumed to feel.

Sir, the honest and sincere conviction of my mind is, that Spain is not only guiltless of unwillingness of reparation, and of reluctance to indemnity, but that with such guilt our Government never charged her, until circumstances rendered it as difficult for Spain to consummate reparation, as it was unfair and improper for our Government to urge, or to expect it. A nation, as well as an individual, has claims upon our compassion and humanity.

Ungenerous, indeed, must be his nature, who would press even his legal claim, with the same stubborn and indiscriminate pertinacity, against an individual struggling with adversity, and oppressed by misfortunes, as against one who was thriving and prosperous, and who resisted justice from the pride of power, and the arrogance of wealth. But, sir, I will not rest this point upon an appeal to our generosity, estimable as that feeling is, and prevalent as it is in this nation and this Assembly. The facts, evidence, justice, bear me out in this assertion: that Spain has not refused, does not refuse compensation—a fair reparation for all losses sustained by individuals, in consequence of her own spoliation on our commerce.

By the Treaty of 1795, concluded by General Thomas Pinckney, our merchants received not only adequate indemnity, but even a lucrative compensation for their losses. In opening the negotiation of 1802, Mr. Charles Pinckney refers to this fact, and eulogizes, in a style of more than ordinary diplomatic courtesy, the integrity, the good faith, and the magnanimity of the Spanish Government. Spain had become strictly allied to France, and through the pusillanimity, perhaps corruption, of the favorite, the Prince of Peace, had also become meanly subordinate to her designs, a partaker in her crimes and follies, though not in her spoils. She was at once the dupe of her councils, and the prey of her rapacity. At the instigation of France, she depredated upon our commerce. She grounded her proceedings upon French decrees. But these were wrongs, as I have before said, unintentionally committed, and which she was solicitous to repair. But few difficulties, and no great delay, occurred in the settlement of the Convention of the 11th of August, 1802. The principal difficulty arose from the attempt, on the part of our negotiators, to have included in the treaty, com-

pensation as well for Spanish wrongs as for those inflicted by France in Spanish territories. This was resisted; certainly with some show of reason and equity on the part of Spain. But Count Cevallos, the Spanish Minister, offered to include even these, in a certain way. That is, he was willing that the general question, how far Spain ought to be liable for French aggressions in her territories, on American property, should be left to the Commissioners, who were to be appointed, according to an article of the convention. He was willing to leave it on the grounds of equity and justice, and the circumstances of the case, for them to determine. A proposition, in a transaction of this nature, certainly importing uncommon fairness and integrity; especially when we consider that the Commissioners were to be mutually appointed. Mr. Pinckney, either from error of judgment or the strictness of his instructions, rejected this proposition, and insisted on and obtained an article holding in reserve and unextinguished our claims for French depredations, as matter for future negotiation. This convention, as has been explained by the honorable gentleman from Vermont, rested for a length of time, session after session, before the Senate. It was at length ultimately approved, and ratified here. Before, however, it was returned to Spain, the transfer of Louisiana by France to the United States took place—an event which was, as Mr. Jefferson informs us, as unexpected as disagreeable to Spain; an act which she bitterly regretted, against which she solemnly but unavailingly protested. But our convention with France, in respect to Louisiana, including as that did, a settlement of all our claims for all French spoliation and depredations, had now materially and rightfully changed our relative situation with Spain. She no longer assented to that clause of the treaty, which kept alive against her claims for French spoliation. As has been explained by the honorable gentleman from Vermont, she denied our right to a double satisfaction for the same injuries—a double payment of the same debt. She contended she was virtually released; and in this she was supported by the express declaration of France, and by the opinion of the most celebrated lawyers and civilians of this country, some of them officers of the Government.

But she never refused compensation for her own spoliation; fruitless negotiations on this and other topics still continued. And by the Message of Mr. Jefferson, in 1808, we are informed, that “the important negotiation with Spain, which had been alternately suspended and resumed, necessarily experiences a pause, under the extraordinary and interesting crisis which distinguishes her internal situation.”

That crisis has not yet subsided. This, sir, is a very concise, and I hope not uncandid history of our negotiation with Spain. I refer with confidence to the documents. They are in the hands of gentlemen who can detect any involuntary error. If I have committed one, I assure them it is involuntary. I said, sir, that the interest-

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ing and extraordinary crisis, to which Mr. Jefferson referred, as distinguishing the internal situation of Spain, had not subsided. What was that crisis? A mighty effort by the great mass of the people, abandoned by their King, deserted by their nobles, rising up in their might to expel a foreign invader and usurper from their dear native soil. Examine the history of all previous revolutions—that which expelled Austria from Switzerland, Spain from Holland, the Stuarts from England, and England from this country—and you will discover none of them to be the effect of a more genuine, deep-felt, popular emotion, than the revolution achieved by the patriots of Spain. Yes, sir, that people are engaged in a war of defence of their native soil, their firesides, their altars, against a foreign invader; in a war of that kind, that does and ought to excite the most sensitive interest, the most affectionate sympathy, in the bosoms of a free people, especially of a people themselves but recently independent, and who had to fight for their independence. Strange indeed it is, that the wars of Greece against Persia, should retain an unfading interest in our memories, and excite, even at this day, sublime and pious emotions; and that the wars of the Spanish patriots should be forgotten. Strange, indeed, that we remember Marathon, and forget Saragossa.

Sir, what was the first effect of this revolution in Spain in regard to this country?—a restoration, in mass, of all the vessels and property belonging to American citizens; an order to their Court of Prizes to act no more on the French decrees; an observance of all the articles of the treaty with us. This they did voluntarily, as an act of justice, and as a pledge of that good will towards us, which a newly emancipated people felt towards one happily already free and independent. What was the further effect, when the Government was in some degree settled, and had leisure to attend to its foreign concerns?—a mission to this country, in the person of Chevalier Onis. Why, sir, is there this dexterous evasion, this strenuous effort on the part of the Administration to keep from the sight of the people, from the sight of the Senate, a co-ordinate branch of the treaty-making power, the correspondence of Don Onis, or rather his attempts at correspondence? Why cannot this nation be authentically informed of the fact, whether he made a formal and express offer to place in the hands of our Government in *advance*, a sum in specie, sufficient to satisfy all the claims for captures, and for injuries sustained, through the withholding the permission of deposite at New Orleans; that he likewise offered to adjust the subject of the boundaries of Louisiana in a manner satisfactory to ourselves?—that he offered substantially to do all this, I am convinced. It has been published in Spain, under the eye of the Cortes; it has been published, over and over again, in this country. It has never been contradicted. It has been made the ground of Ministerial assertion in England, to evince the nature of French influence in the United States; it has been made the

ground of reasoning, in the discussion of the French Moniteurs, to evince to the Spaniards how much safer they were under French protection than that of the patriots. France, say they, protected you against the arrogant and enormous claims of those trans-Atlantic, shopkeeping democrats. She gave you the means of restraining their rapacity, or participating in their ill-gotten profits. She was a guarantee to you against their ambitious intentions, hostile to your valuable but unprotected colonies. But your patriotic Government yields to these insolent demands, and seems to favor their projects. It offers them the treasures, of which you are in want; it opens the protective barriers of your colonies, and endangers the mines of Mexico—the source of your opulence, and the basis of your national grandeur.

Sir, we have served a notice on the President to produce the correspondence, to detail the verbal offers of Don Onis; not being produced, we have a right to state what we justly suppose to be their substance. Our divinations, conjectures, if they be conjectures, can be put down at once; falsified by the production of the papers, but by nothing else. This again, sir, is a rule of common law, and common sense. Circumstances, the absence of all contrary proof, the cautious forbearance of all denial, the non-production of papers, when called for by friends, the gratuitous assumption of limiting the intentions of the Senate, in their call for papers, to those which had occurred since the last session; all this tends convincingly to prove, that this offer of indemnity, on the part of the Spanish Government, has been made, and has been rejected.

How stands the case, then, on the foot of indemnity? Not a refusal on the part of Spain to make adequate and liberal indemnity, but a refusal on our part to accept it. Sir, the mass of papers produced, bulky as they are, is more remarkable for its deficiency, than its contents. There is something, not produced, which if it were produced, would be fatal, on the head of indemnity. There are various other topics of argument, which might be urged against this strong ground of pretended indemnity. If you are injured, and deem yourself entitled to indemnity, ought you not previously to demand it? Even the British demanded the Danish fleet, and it was refused, before they seized it. Has the honorable Chairman of the committee forgotten his own able and successful arguments, and those of his friends, on this point, in the Senate, on Mr. Ross's resolution in 1803? A positive injury was inflicted, a perfect and essential right secured and consecrated by treaty was denied you; but then, the honorable gentleman, with his usual ability, supported by his amiable friend De Witt Clinton, manfully, triumphantly stemmed the torrent of the redundant, I will not say overbearing, eloquence of Ross and Gouverneur Morris—explained to the nation the duty, the necessity, the justice of previous negotiation, and preserved this young and prosperous nation from a premature and unnecessary conflict.

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What was correct, judicious, and moral then, I humbly apprehend will be so now.

But, sir, upon the mere principles of indemnity, conceding that you had a right to take it, it would not, in any sense of the term, be one. It is inadequate, if obtained, even if it cost nothing to obtain it. Waiving the consideration of the amount of spoliation, it will cost more to recover the thing sued for than it is worth. It is no indemnity to the actual sufferers by Spanish spoliation, and this act is accomplished by no pledge of the national faith, that they shall be individually compensated from this fund for their losses, while their losses are made the only ground or pretext of this proceeding. Even, sir, at the risk of being tedious and uninteresting, I must concisely examine each of these points. Will it be pretended that Florida is worth the whole claim of our Government against Spain? We must take gentlemen on their own principles, and calculate the amount set down by our Government, including Spanish spoliation—French spoliation in Spanish territories—and the injuries sustained by the prohibition of the right of deposit at New Orleans. The first item amounts to three, the second to two millions; the last may be stated at one, making six millions principal, with the interest for ten years, constituting an aggregate of about ten millions of dollars. And would you as a matter of purchase give a fourth of this sum for Florida, if you could have quiet possession of it to-morrow? No, sir, you would wisely hesitate; nay you would absolutely reject it. But if you carve out your own remedy; convert into possession and enjoyment your deposit—your pledge—consume your right of lien by ownership; select your means and chance of indemnity; estreat your bond with all its amount of penalties; you have all that in law, justice, or equity you can demand. The question is closed; you have no action open on your covenants or assumpsits. But, sir, to whom is Florida, with its wide waste of sands, its dismal swamps, its mixed, mongrel population, transferred? To the actual sufferers by Spanish and French spoliation? to the individual sufferers in the cities of Charleston, Baltimore, Philadelphia, New York, Boston, Salem, Providence, and Newport? No, sir, it is transferred nominally to the United States, who takes it in her corporate capacity as trustee for the State of Georgia. She will have the greatest, if not the sole beneficiary interest; as for the claims of the merchants, they will still be uncompensated; Spain or France, or the United States, will still stand debited in their ledgers. Sir, I know a house in the town of Providence who are interested in this claim to the amount of \$200,000. I know of another, in the city of New York, interested to double this amount, and whose right and chance of compensation, under the convention of August, 1802, were admitted and ascertained.

Sir, I would as soon shake at them the sand of an hourglass, as measure out to them the sands of Florida as a compensation, even if you meant

to give them that which you do not intend. It would, indeed, be a *memento mori* of their claim. If this transaction is bottomed upon a pure and comprehensive equity, why is it not accompanied with a pledge of the faith of the United States to compensate the individual sufferers? Are they to be left to their legal remedies, against Sovereigns not suable? Is one part of the Union to convert to their own exclusive benefit the misfortunes of the other part? Are the planters of the South (against whom I certainly have no prejudices) to thrive and prosper upon the losses of the merchants of the North? Are they, who have paid no consideration, to hold and enjoy this estate? I put this plain matter to the understandings and consciences of gentlemen on both sides of the House. It is not a matter of party politics. I do not, on the ground of party, oppose this measure.

But, sir, I must hurry on to consider what this indemnity will cost you; what will be the expenses of this suit, to reduce to possession this pledge. What will you have to pay for the instrument, by which you are to carve out your own remedy? Will it not cost much more than you will actually obtain? What is this project, as described by General Pinckney? To reduce the fortress of St. Augustine—to occupy East Florida. What force will this require? Omitting the walled towns of Flanders, and Quebec, and Gibraltar, St. Augustine is the strongest place, by nature and art, in the world. Attend to the description of it in the papers produced. Recollect the failure of General Oglethorpe, in the year 1739, and the discomfiture, (I will not say disgrace,) that then, on this account, was attached to the arms of Great Britain, and her colonies.

To give a probability of success to this measure, four thousand regular troops, an immense train of battering artillery, all the volunteer force that Tennessee, South Carolina, and Georgia are able to supply, besides a large number of gunboats, brigs, &c.; ten thousand men, in different ways, must be employed in this expedition, and its connected and associated objects of the subjugation of the Seminoles, the Creeks, and other Indian nations. Even if you are successful, you will lose one-half of your troops by battle or by sickness. You will not be able to commence the siege, until April, and in June the climate would oblige you to abandon it. The troops must come from the upland country of the adjoining States. Sir, it is a medical fact, that they, no more than the men of an extreme northern climate, can endure the intense heat, the pestilential vapors, and the clouds of mosquitoes, that darken and pollute the swamps and sands of Florida. If you are successful, it will be by the destruction of five thousand lives, and by the expenditure of five millions of dollars. Is your object worth this price? If you gain it, you obtain nothing; for that nothing, you pay in a vast effusion of blood and treasure. The Northern and Middle States, those to whom you pretend indemnity, obtain none. They bear their full, their over proportion, in the expenses of this new war, and

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obtain no compensation at last. I must dismiss this point of indemnity, not because it is exhausted, but because I feel myself trespassing on your patience.

The second general justificatory ground on which this measure is defended, is that of necessity—the apprehension of the use that may be made of the country, by our enemy; or, in the words of the honorable gentleman from Georgia, a military measure of self-defence. Sir, I do not mean to undervalue this plea; there are palpable occasions, and desperate emergencies in which it may rightfully be urged. *Salus populi suprema lex.* I will not say, that if the danger is instant and imminent, that an enemy can and will seize a point of annoyance, that we ought not to anticipate his design; but I do say, that if the danger apprehended be inconsiderable, remote, and contingent, and, especially, if it be but too apparently matter of artificial contrivance, proceeding from your own wrong, attended with circumstances of suspicion, that it never can warrant so atrocious an act as that of seizing on the territory of a friendly neutral power. Gentlemen must all allow that it is an act exhibiting a most signal exception to the general pacific policy, the cautious forbearance, the solicitous neutrality of this country. It is, at once, an overthrow of all our sublime and romantic theories of the laws of nations, and, especially, of our profound system of controlling warlike and ambitious States, by the precepts of justice, philosophy, and philanthropy; it is a lash of satire that cuts to pieces all the pretty, flowery phrases of Mr. JEFFERSON, and shivers into a thousand shreds the sturdy dissertations of Mr. MADISON. This country was but lately deemed the last retreat and sanctuary of the good old-fashioned law of nations; we affected to reverence that law, and the virtues on which it was founded; and we acknowledged, and congratulated ourselves upon the benefits which were its result. On this account we have been comparatively happy at home, and applauded and admired abroad. This national habit and disposition has been worth to us fleets and armies; and, combined with ordinary foresight, with strict impartiality, and a continuance of the Washingtonian policy of preparing in peace for war, would still avail us as our cheap and efficient defence.

Sir, what is the point on which this plea of necessity rests? What is the danger apprehended? The occupation of Florida by England. But it is three years since you have had, or feigned this fear; this is the third time you have called us to drive out the wolves from among the sheep. But the English, restrained by their Treaty of Alliance, which guaranties the integrity of the Spanish Empire, have shown no inclination to go there, and, while your present law remains, never will. They know, of course, as well as you do, the contingency upon which, by the law of 1810, you have placed your right or intention of occupying East Florida. It would be an act as impolitic in itself as treacherous to their allies, to create that very contingency which is to be the apology of your operations, and the occasion

of immense mischief to their friends. They benefit their friends by forbearance; they embarrass you; they suspend you in a ridiculous attitude, panting with the eagerness of desire and the pressure of prohibition. They have made no attempt to seize East Florida; they will make none. But if, by the adoption of the act now under consideration, you alter your present policy, and, fatigued with waiting for English aggression, and despising the contingent remainder, you grasp at a present absolute estate, their system, both of policy in regard to themselves, and of good-will to their allies, of course, must change. The moment you raise your entrenchments against St. Augustine, the English will succor it, and defeat your enterprise. You have drawn attention to your project, you have served them with a notice. Withdraw your troops from East Florida, where they have been now for two years; abandon this undertaking, and you are secure from English interference or Spanish aggression. Let them alone, and they will let you alone. It appears to me, clearly, that the adoption of this bill accelerates and renders certain the very event which you have reason to dread. Then, sir, the ground of necessity not only fails you, but the reasons you render are converted against you.

But the Spaniards will excite the Indians. Do not the papers before us prove that the Indians were peaceable, undisturbed, undisturbed until you invaded Florida? Put an end to your invasion and you put an end to Indian excitement. Indians on their own soil defend themselves, and this you call crime; they retaliate, as far as they can, your wrong, and this you call abomination. But the Spaniards seduce the negroes. Is the fact verified? How can they have communication with the negroes of Georgia? And if they had, did they ever do so until you invaded their territory—until you had promised fifty acres of land to every Spaniard who would betray his country and violate his allegiance? It stands an undisputed fact, that Matthews, the agent of this Government, did this; Mr. Foster expressly charges it on Mr. Monroe, and he does not deny the fact. He admits it. I appeal to the correspondence of November 1811. In the whole progress of this business you make your previous wrong an apology for subsequent wrong. All the evils that have happened, all that you apprehend, are the necessary and natural consequences of your previous acts;

“I do the wrong, and first begin the brawl.
The secret mischiefs that I set abroad
I lay unto the grievous charge of others.”

But so far from its being a sound position that military necessity irresistibly compels you to this measure, I venture to assert that, in a merely military point of view, you cannot do anything so erroneous, probably so fatal, as the occupation of East Florida.

If you mean to press this undertaking with zeal, and with that ardor and promptitude that can alone give you a chance of success, the whole

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force of the Southern country ought, in May next, to be driving at this object. Will you not, then, invite an invasion by Great Britain, at the very spot, at the very time she desires? This enterprise will, at any rate, suggest to her the design, because it affords the opportunity, the enviable opportunity, of causing a diversion from your Canada project, and dispensing, at the same time, the most effectual relief to their allies. I ask whether this project, drawing, as it necessarily must, the whole of the Southern defensive force from the points of defence, does not insure an invasion from your present enemy, and at the very point where, from peculiar circumstances, you are the most vulnerable?

Gentlemen seem to hug themselves in the notion that Charleston is secure, as though that were the only point to be preserved. But examine the maps of that country, recollect the military and naval operations of colonial times, and inquire into the practicability of an English fleet entering the harbor of Port Royal, and effecting, at that point, the invasion of the Southern States? Your whole effective force is engaged, at the distance of several hundred miles, in foreign conquest. Would you not soon be compelled to raise your siege of the capital of Florida, and, hurrying home to relieve a deserted and unprotected country—pursued by the emancipated and enraged troops of St. Augustine—harassed night and day by parties of Seminoles and Creeks—arrive, if you arrived at all, faint and exhausted, to encounter a new and formidable enemy? Proceed with this fatal enterprise, and deplorable indeed will be the fate of our Southern brethren.

It is made matter of serious accusation against the Spaniards that, in defence of their own homes, they intend to employ black troops. I do not know what right we have to dictate to them on this important point of complexion. We provoke to combat. We are assailants, and for plunder, and yet undertake to prescribe to our devoted victim the mode of his defence. Black troops were employed by Spain, in 1739, at the same place, and for the same purpose they are now employed. England has thousands and tens of thousands of black and colored troops in her pay, as I am afraid we shall, to our cost, discover.

We employed black troops in the war of our Revolution. The State of Rhode Island raised a black regiment. But though we have neither the power nor the right to prohibit the employment of such troops by our enemy, I admit, as has been suggested, that the consequences may be tremendous. That unhappy species of population which prevails in our Southern country, aroused to reflection by the sight of black soldiers and black officers, may suspect themselves to be fellow-men, and fondly dream they likewise could be soldiers and officers. The bloody tragedy of St Domingo may be acted over again in this devoted country. If your enemy has half the malignity of motive, or atrocity of design which, for the purpose of goading a reluctant people to drag on an unprofitable and unnecessary war, you

daily impute to him, he will aid in this nefarious business.

Refrain, then, from this measure, which has such a host of evils in its train. If I were a citizen of South Carolina or Georgia I should doubly deplore and deprecate this attack on St. Augustine. I would down on my knees to entreat the Government to forbear. I should protest against this withdrawing all the efficient force of the country to a distant and dangerous point for the purpose of a wicked war of offence, when all that force will be wanted for defence and protection at home, and to repel the invasion which this measure will inevitably suggest and superinduce. I do address this consideration most sincerely and solemnly to the honorable gentlemen from those States. Take care that while you are pursuing foreign conquest your own homes are not devastated. Take care that while your war eagle is soaring a sublime and romantic flight, and "beating widely on the wing for prey," her own eyry be not plundered, and she compelled to turn her course homeward "her pinions guided by her young one's cries." Will you, for the chance of conquering East Florida, of annexing the island of Amelia to your territory, of satisfying the cupidity of land speculators, or even of gratifying a mistaken sense of interest in a respectable State, encounter the terrible contingencies, the almost certain horrors of negro insurrection, of Indian hostility, of midnight conflagration, of wide-spread ruin and indiscriminate massacre?

Sir, it appears to me that the prominent argument that is urged for the adoption of this measure, viz: the war with England, is the strongest argument against it. What is the great object of your policy, your solitary hope of success in your war against England? It is avowed to be the conquest of Canada. How is this to be effected? By frittering your force into various divisions—an army of the South, an army of the North, and an army of the West? No, sir; if, like our ally, France, we are impelled by this lust of conquest, and aspire to like success, we must adopt her mode of insuring it. Select one great point for attainment, and, keeping that steadily in view, press upon it with all the energy of your means. Why scatter your forces in numerous frivolous and unavailing plans? Why not make one grand, undivided effort, and conquer Canada? Why divert into such various channels that force which ought to be accumulated, and contracted into one irresistible torrent? By pursuing both, we shall be disappointed in both objects. Your war with Spain will ruin your war with England. Your war with England will ruin your war with Spain. Is it true that a war with England, and, at the same time, with Spain, has always been intended? Last year the propositions to seize East Florida and to conquer Canada were associated. The inducements then held out were, an enlargement and arrondissement of the territory at the two extremities; a fair division of the spoil. We consent that you may conquer Canada, permit us to conquer Florida. The decla-

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ration that Canada should be conquered and retained was the exacted pledge of the Northern men who voted for the war. You have got their votes—you have not, you cannot redeem your pledge. How is it that the proposition for seizing Florida is revived, and so strenuously enforced, and so little is said, or done, or wished as to the conquest and incorporation of Canada? Where is the promised benefit to the North?

But, sir, it seems a point of honor demands that we should continue our efforts to reduce the fortress of St. Augustine, because the Spaniards refuse an amnesty to those worthy individuals who were willing to betray their country into our hands. Not only our sympathies are addressed, and even our deliberate approbation challenged for traitors and conspirators, dignified with the name of patriots, but we are invoked, for their sakes solely, to plunge into a new war; and to this we are invoked, in the hallowed name of the national faith. It is almost degradation to be obliged to examine such an allegation. Have we not denied the acts of Matthews?—refused to ratify them? I will not say that, by this, the Government did not violate its faith with Matthews. So far as it relates to this, instead of imputing exclusive blame to this unfortunate, and, as I understand, confessedly meritorious officer, I cannot but believe that he thought he acted with perfect good faith to the Government, strictly in virtue of his private, if not public instructions, and that he counted, not only on the support, but the applause of Government. Cruelly disappointed in the result, he conceived that he had just cause of complaint. He considered himself the victim of a temporizing, vacillating, insidious policy; and I ask the honorable gentleman from Georgia, did not Matthews die with such sentiments trembling to the very last on his lips? The averment of his own honor and innocence—of the tergiversation and pusillanimity of his employers? Was he not hurrying on to Washington, literally for his vindication, when, fortunately for those he had it in his power to expose, death arrested his course? But, sir, what is the ground of the Government? They distinctly assert that Matthews has transcended his powers, that he has acted without the scope of his authority. He cannot, say the Government, produce our letter of permission to sanction what he has done. Then, clearly, the consequence is, our faith was not compromised, for our name and authority were not legally or fairly used. Our sympathies cannot justly be awakened for those conspirators. We are not interested in this amnesty. Let the Spanish Government deal with these men as we should have done with Arnold, had he fallen into our power. Let them meet the punishment of traitors, or, let them, rousing themselves into a new, and, by us, unprompted effort, deserve to be successful. Let them take the chance of being rebels or patriots—of swallowing the hemlock, or being crowned with myrtle.

That, indeed, is suspicious patriotism, which bargains beforehand for foreign aid; that is hardly a valorous patriotism that submits nothing to haz-

ard, that conditions for amnesty before guilt, and secures the spoil, without fighting the battle. I will not say I have no sympathy for these people. I would save them if I could; but I will not, on their account, endanger my country's peace or fame. But another claim upon our honor is, our troops were attacked at Moosa. Moosa, where is it? Within two miles of the fortress of St. Augustine. And, if you had the camp of an enemy at Georgetown, threatening the Capitol—the existence of your Government; a foreign force, combined with domestic traitors, to overwhelm you, to throw you neck and heels into the Potomac, as one of your choice spirits once proposed, would you not attack? This is, of all others, the most miserable subterfuge. Good God! where are we? In what age do we live? In what country, when it is made a crime to extirpate the invaders of our native soil? In what age, in what country, when it is made a virtue for a nation, itself at war for neutral rights, to invade an unoffending, helpless, friendly, neutral country?

But, it is asked, is not this measure defensible on the ground of precedents, and the practices of nations? O yes, undoubtedly. For this, as for every other enormity, you can find an example, but not a justification. I am apprehensive, sir, that in pursuing this unprofitable reference to precedents and authorities, less skilful than the learned gentlemen who have preceded me, I cannot avoid giving to my remarks an air of pedantry. I call this an unprofitable, and, perhaps, deceptive pursuit, because a recent experience shows how pervertible are the clearest texts of the soundest authors. For, when I discovered the honorable Chairman making quotations from *Vattel*, in support of the present proposition, which authorizes us to take possession of that to which we have no right, I could not help recollecting that, attending as a spectator in your gallery, during the debate on Mr. Ross's resolution, I heard the same honorable gentleman adduce passages from the same author to prove that we ought not to take what of perfect right did belong to us.

The earliest precedent on record was the one so pleasantly, not irreverently, alluded to by the honorable gentlemen from Vermont, who is, without question, of any one among us, the best read in the most ancient and authentic of all histories, the Holy Bible—who, at any rate, does the most frequently and the most aptly quote the Scriptures that were written for our instruction. He referred to the leading case of Ahab and Naboth. Sir, I will not dwell upon it long enough to inquire who is the Jezebel that has inspired our councils. I will not ask, in the language of Mr. Barlow, whether this is not the mode devised, "the least onerous to the French treasury," to do us a nominal favor and a real injury? But, I believe, and I hope, (I say *hope* while it is lawful to say so,) that the answer of the insulted and oppressed Spaniards will be that of Naboth to Ahab, "The Lord forbid it me that I should give the inheritance of my fathers unto thee."

But do gentlemen prefer classical to Biblical

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authority? the example of a Republic, or, rather, an aristocracy to a theocracy? Lacedæmon afforded it. The fortress of Cadmea was won by a Lacedæmonian general by the same means of treasonable correspondence which our general has used. The Ephori condemned their general, as we have done, but retained their conquest. Do you want an instance from history to condemn you, to make you blush for your conduct? Take it from Florence—a real Republic. With a territory so small, as to render the desire of its extension natural and pardonable, such was the magnanimity of its Republican character, its inviolable adherence to principle, and its abhorrence of the “selfish object of territorial aggrandizement,” that when the city of Arezzo was betrayed into its hands, it disdained to profit by the treason, and restored that city to its freedom and independence. In what age, did this happen? In comparatively a benighted period, the thirteenth century. Will you, Americans,—you who have styled yourselves the most enlightened people, of a most enlightened age, be put to shame, by such an event happening, in such an era; in such a country?

But still, you have a thousand instances to encourage you. You have not the merit of novelty in your wickedness. Deeds as reprehensible, as nefarious as yours, and on the same grounds and pretences, crowd and deform the page of history. The annals of despotism help you out. Louis XIV was in the heart of the Netherlands, before it was known he had a pretence to any part of those rich provinces, under a pretended right of his wife. Frederick of Prussia, in 1741, gave the intimation of his claim against Silesia, at the head of 60,000 men. Shall I mention the two divisions of Poland, the recent instances of French usurpation, in Holland, in Switzerland, in Portugal, in Italy, and Spain? No; these instances are too *identical* for illustration. It is unnecessary to exhibit those instances, of which your proceedings are but polygraphic copies. I will hasten to the great precedent, which has been alluded to on both sides, as affording pertinent matter for illustration—the seizure of the Danish fleet.

I have a right to refer to it triumphantly, as an *argumentum ad hominem*. All the disinterested part of mankind condemned this measure. In this country, all parties, Federal and Republican, assailed it. Let me prove a measure to be within the scope of the policy of that—let me prove a conformity, or even a strong analogy of conduct, and the proof concludes;—the argument is victorious, against any individual or party in this country, the author of such a measure—more especially against those who were instinctively offended with Copenhagen Jackson—more especially against the present Administration—the assertors of neutral rights; the assertors of exclusive territorial rights, even in cases of doubtful or common jurisdiction. So sensible was the honorable gentleman from Tennessee, on my right, of this, that in the early stages of this discussion he directed his most vigorous efforts to

dislodge this train of ideas from the mind of the Senate. The gentleman showed his usual correctness and acuteness, in discovering the stress of the argument, and selecting the turning point. But what was his mode of refutation? How did he attempt to efface the impression that was instantly made on our minds, when the similarity of our conduct to that of the English in seizing the Danish fleet, was referred to by the honorable gentleman from Vermont? Why, forsooth, by joining in the denunciation against that measure—by magnifying its injustice—by exaggerating, if possible, its enormity—by darkening its atrocity. Sir, this may be allowable in rhetoric, but it is, at best, but an able evasion of the very point, which a not over strict logic would say, he was bound to meet. The gentleman expressed his surprise, that any American could charge his country with an intention to perform an act so nefarious, as that of the seizure of the Danish fleet by the English. Sir, I am not obliged to contend, though with the utmost fairness and propriety I might, that our contemplated act transcends that in enormity, in its outrage on the laws of nations, in its prostration of the principles of right and justice.

One point of difference we surely cannot forget, viz: that the Danish fleet was first demanded, and demanded from those who had a right to cede it. In this case, you have made no demand; and, even if you had, it is of those who have no right to convey. The mere local authorities of Florida have no right to dismember the Spanish empire. Another point of difference is, that the French were at hand. They occupied a part of Denmark, the Dutchy of Holstein. Their ulterior success, which was not only probable, but inevitable, would have given them possession of the Danish fleet. In addition to this, the English Ministry urged (with what propriety of course I cannot tell) the secret articles of the Treaty of Tilsit, in justification of this measure.

But, after all, it was an indefensible act, deserving all the epithets of reprobation, which the honorable gentleman has bestowed upon it. It was as fatal in its effects, as censurable in its principle. It gave the hearts of the Danish nation to France, it made it an ally of the Continental system; it startled Sweden, it irritated Russia, it turned the tide of public opinion against Ministers in England, it alarmed and alienated America;—and for all this, Britain gained sixteen hulks, some tons of hemp, and naval stores—and the distrust of the world.

Of all the ill-consequences resulting to Great Britain from this act, the most deeply fatal to her was the opinion, justly entertained in England and in America—the only remaining countries where public opinion retains through the press and the freedom of institutions any operation—that she, who pretended to execrate the outrages of Bonaparte, who professed a reverence for the laws of nations, and declared herself the advocate of the principles of justice, virtue, and religion, should, overcome by the lure of gain, or intimidated by an unreal necessity, have fallen

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from her high pretensions, have forfeited her moral character, have stained her hitherto comparatively spotless reputation. In miserable contradiction to herself, she overthrew, at one blow, that system of universal public law, whose maxims and precedents have been long acknowledged, and by no nation more than herself, to be of the same force and obligation as the municipal constitutions of particular States: "A system," as it is observed by Lord Erskine, in his celebrated protest upon this subject, "which has gradually ripened with the advancement of learning and the extension of commerce, and which ought to be held sacred and inviolable by all Governments, as binding the whole world under one politic and moral dominion."

I implore you, sir, that we still adhere to this system; that wise and philanthropic system, that is founded on justice, that favors the innocent, that protects the weak, that suspects and opposes the strong and the unprincipled; that disdains conspiracy in usurpation, and fellowship in guilt, though the spoil of defenceless and afflicted neighbors be the bribe, and the splendid example of exalted potentates the justification.

By abandoning this system what has Europe become? A scene of ruins. And still, amid these very ruins, we meet at every turn the flames of war bursting out anew into wider conflagration. Let us adhere to the ancient system of the laws of nations. Let us snatch this sacred palladium from its burning temple, and reconsecrate it in this our new and virtuous Empire.

I perceive, sir, that time will not permit me to examine this question in the various other relations which have suggested themselves to my mind. I have so strong an opinion, that this, as a military enterprise, will, having regard to our present and probable means, after all, prove abortive and unfortunate; that I had almost felt myself emboldened to submit my reasons for that opinion. St. Augustine, without a naval superiority, cannot be subdued, let General Pinckney, brave and intelligent as I know him to be, do his best. My reasons would be drawn from a detailed consideration of General Oglethorpe's operations in 1739. I have consulted various accounts of that siege. I have a plan of his attack, taken by an engineer employed in the service, now before me. Oglethorpe's best chance of success depended on his naval superiority. But he was defeated. Can we, then, hope for success, when the sea is open to Spanish and British squadrons, and when, so far as relates to our naval preparations, we have committed the same mistake here as in our Canadian campaign; a mistake, or rather negligence, that has been the principal, if not the sole cause of our repeated disasters. But this subject, in all its military bearing, has been and can be so much better illustrated by the honorable gentleman from Maryland, that I forbear to enlarge upon it. I leave, also, to that gentleman and others, the important topic of the disastrous consequences of this measure to the miserable remains of our foreign commerce. The conjectures and predictions that Spain will not, be-

cause she cannot—from the depression of her fortunes, the inadequacy of her means, and the imbecility of her national character—resent this lawless aggression, I believe rather illustrative of the meanness of our motives than of the true nature of her disposition and resources. The merchants, those who have the best means of knowing, distinctly understand, that your hostile occupation of East Florida will be the signal of the immediate confiscation of American property. In relation to the interests of my own State, the consequences of this measure will be indeed deplorable. The little remnant of trade we have left is that to the Havana, which will be inevitably cut off. And it is a singular fact, well known to my honorable colleague, that real property, plantations of a very considerable value, in the island of Cuba, belong to native citizens of the State of Rhode Island. They are owned principally by the fast friends of the present Administration; by gentlemen who have already loaned to the Government more than some whole patriotic States, and whose private armed ships have captured from the enemy more than half a million sterling. These, to be sure, are not considerations of great moment. Since gentlemen choose to sacrifice their friends, it is officious in me to interfere perhaps; but they are my constituents, and I deem it my duty to suggest their danger and their interests.

But there are resulting from this measure political consequences connected with your foreign relations, with your present war with England, with the present peculiar circumstances of the world, which are worthy of the gravest consideration. Do you wish to make the present contest with England popular beyond any instance in their history? To unite against you the undivided opinions, the enthusiastic feelings, the animated efforts, of the English people? To make this a war indefinite in continuance, vindictive in its mode of operation, and victorious to England in the end? Do you mean to render suspected, and of course unavailing, all your pacificatory propositions? Then do this dastardly act against a helpless people; wage your war with Spain. If ever there was an object which united the opinions of the British nation, it was the late Spanish revolution. If there ever was an object in which the hopes, interests, and efforts of the English nation concurred, it is Spanish emancipation. This act of yours will entirely alienate from us our friends in the British Parliament. We shall be so notoriously in the wrong that no one in that Assembly will dare defend us. But a few months ago we could refer to the majority that effected the repeal of the Orders in Council, as equally the advocates of their own best national interests, and of our most important national rights. We unwisely continue our war with England after the acquisition of the great avowed object of that war. The people of England now understand that we fight on the single ground of maritime rights. And they are taught to believe that this cruel contest is intended not so much for our own protection

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as for their destruction. On this ground of maritime rights are placed the pride, the hopes, the fears, of this sometimes misgoverned, but always magnanimous nation.

Add, then, a Spanish war to your English war, and you will not have a friend left in England. Do gentlemen affect to deem this of no consequence? Then they have forgotten history, or read it but to little advantage. Sir, this Spanish war will corroborate into certainty the suspicion (the unjust, the unworthy suspicion, if you please,) that our councils are influenced by an undue partiality for France. I am not taking upon myself to say that this would be a fair deduction, but the adoption of this measure would give an apparent sanction to this accusation, which we ought to avoid when we can so easily avoid it, not only without detriment, but with safety and advantage. Let us not only be chaste, but unsuspected. What will be the inevitable consequence of a war with Spain? A non-intercourse with the Peninsula. The great object of France will be effected. This in addition to our concurrence in the Continental system, and our war with England, is all that the Ruler of France, in the insolence of his power, the extravagance of his desires, the arrogance of his contempt, or the deadliness of his hatred, sanguine, haughty, insatiable, exorbitant and inexorable as he is, ever demanded from us, and more than he could ever expect to obtain even from our trembling acquiescence.

It will seem to England that this coincidence in conduct must arise from coincidence in views. She would deem us a party in the great design of her vindictive foe, and our impolitic and unfortunate war would be by her associated in principle and duration with that war, which she now wages for her own security, and the liberation of mankind. Sir, I must conclude. The subject is not exhausted, but I am. I will not attempt to recapitulate or arrange in a more correct and compact form the desultory remarks I have thrown out. But I must demand it of every individual member of the Senate, again and again to ask himself what right have we to the territory of East Florida? Is it any other than the right created by desire—the right suggested by ambition—the right of taking advantage of the troubles of our neighbors—of plundering weakness, of imposing on misfortune, of oppressing

the oppressed? What right would Spain have to occupy St. Mary's, or Cumberland island? The same we have to occupy Augustine and Amelia.

I have directed my attention solely to East Florida. The other member of the question, in regard to the Mobile, is easily disposed of. If the territory be ours under the treaties and laws of the United States, there is no need of this law to authorize the President to take possession. He ought to do it by the obligation of general duty. He wants no particular law to enable him to assert the claims of the United States. He must take care that the laws and treaties are executed. He encounters no hazardous responsibility; he is empowered so to do, not by a constructive, but by a plain, direct, and absolute authority.

Sir, let us presume, for a moment, that we shall be completely successful as to the attainment of these countries; that they cost us no money, no blood, no actual privation, no present suffering. Will not this policy of indefinitely increasing our territory be productive of the most baneful future consequences? Is it not accelerating that fatal event which the genuine friends of freedom have foreboded and deprecated as the catastrophe of our political drama? We have conquered Louisiana by our money; we aspire to the possession of Canada; we intend to occupy the Floridas; we have relinquished our system of philanthropy towards the Indians; we are extinguishing Indian claims in Indian blood. The Indian tribes are no longer our fellow-citizens and red brethren, but wretches to be hated, barbarians to be exterminated. All external pressure binding us into union is to be removed. All cause of external alarm and apprehension is to be put at rest. A careless and indolent security will ensue, or, what is worse, a restless ambition and turbulent arrogance will seek new gratifications, interfere with the concerns of other nations, meditate further conquest; and the fatal result will be, that this fortunate and homogeneous composition of pure and simple Republics will be a vast empire, made up of various foreign States, with discordant institutions, and the conflicting prejudices and passions of irreconcilable interests, which can only be constrained into union and subdued into tranquillity by the energy and power of a single despot; the chief of a mighty army, the oppressor of a once free and virtuous people.

PROCEEDINGS AND DEBATES

OF

THE SENATE OF THE UNITED STATES,

AT THE SECOND SESSION OF THE THIRTEENTH CONGRESS, BEGUN AT THE CITY OF WASHINGTON, MONDAY, DECEMBER 6, 1813.

MONDAY, December 6, 1813.

The Second Session of the Thirteenth Congress commenced this day at the city of Washington, conformably to the act passed the 27th of July last, entitled "An act fixing the time for the next meeting of Congress," and the Senate assembled in their Chamber.

PRESENT:

NICHOLAS GILMAN and JEREMIAH MASON, from New Hampshire.

JOSEPH B. VARNUM, from Massachusetts.

JONATHAN ROBINSON and DUDLEY CHACE, from Vermont.

JOHN LAMBERT, from New Jersey.

MICHAEL LEIB and ABNER LACOCK, from Pennsylvania.

OUTERBRIDGE HORSEY, from Delaware.

SAMUEL SMITH, from Maryland.

WILLIAM B. GILES and RICHARD BRENT, from Virginia.

JAMES TURNER, from North Carolina.

JOHN GAILLARD and JOHN TAYLOR, from South Carolina.

CHARLES TAIT, from Georgia.

JESSE BLEDSOE, from Kentucky.

JOSEPH ANDERSON, from Tennessee.

THOMAS WORTHINGTON and JEREMIAH MORROW, from Ohio.

JAMES BROWN and ELIJAH FROMENTIN, from Louisiana.

The VICE PRESIDENT being absent, the Senate proceeded to the election of a President *pro tempore*, as the Constitution provides; and JOSEPH B. VARNUM was appointed.

WILLIAM WYATT BIBB, appointed a Senator by the Legislature of the State of Georgia, in place of WILLIAM H. CRAWFORD, resigned, produced his credentials, was qualified and took his seat in the Senate.

Ordered, That the Secretary notify the House of Representatives that a quorum is assembled, and are ready to proceed to business.

Ordered, That the Secretary wait on the President of the United States and acquaint him that the Senate have, in the absence of the VICE PRESIDENT, elected JOSEPH B. VARNUM their President *pro tempore*.

A message from the House of Representatives informed the Senate that a quorum of the House of Representatives is assembled, and that the House is ready to proceed to business. The House have appointed a committee on their part, jointly with such committee as may be appointed on the part of the Senate, to wait on the President of the United States, and notify him that a quorum of the two Houses is assembled and ready to receive any communications that he may be pleased to make to them.

The Senate concurred in the appointment of a joint committee on their part, agreeably to the resolution last mentioned; and Messrs. ROBINSON and BRENT were appointed the committee on the part of the Senate.

After passing the usual resolutions for the supply of newspapers, &c., the Senate adjourned.

TUESDAY, December 7.

DAVID DAGGETT, from the State of Connecticut, and JEREMIAH B. HOWELL, from the State of Rhode Island and Providence Plantations, severally took their seats in the Senate.

Mr. ROBINSON reported, from the Joint Committee, that they had waited on the President of the United States, and that the President informed the committee that he would make a communication to the two Houses this day at 12 o'clock.

PRESIDENT'S MESSAGE.

The following Message was then received from the PRESIDENT OF THE UNITED STATES:

Fellow-citizens of the Senate and of the House of Representatives:

In meeting you at the present interesting conjuncture, it would have been highly satisfactory if I could have communicated a favorable result to the mission charged with negotiations for restoring peace. It was a just expectation from the respect due to the distinguished Sovereign who had invited them by his offer of mediation; from the readiness with which the invitation was accepted on the part of the United States; and from the pledge to be found in an act of their Legislature for the liberality which their Plenipotentiaries would carry into the negotiations, that no time would be lost by the British Government in embracing the experiment for hastening a stop to the effusion of blood.

A prompt and cordial acceptance of the mediation on that side was the less to be doubted, as it was of a nature not to submit rights or pretensions on either side to the decision of an umpire; but to afford merely an opportunity, honorable and desirable to both, for discussing, and, if possible, adjusting them, for the interest of both.

The British Cabinet, either mistaking our desire of peace for a dread of British power, or misled by other fallacious calculations, has disappointed this reasonable anticipation. No communications from our Envoys having reached us, no information on the subject has been received from that source. But it is known that the mediation was declined in the first instance, and there is no evidence, notwithstanding the lapse of time, that a change of disposition in the British Councils has taken place, or is to be expected.

Under such circumstances, a nation, proud of its rights, and conscious of its strength, has no choice but an exertion of the one in support of the other.

To this determination, the best encouragement is derived from the success with which it has pleased the Almighty to bless our arms, both on the land and on the water.

While proofs have been continued of the enterprise and skill of our cruisers, public and private, on the ocean, and a new trophy gained in the capture of a British by an American vessel of war, after an action giving celebrity to the name of the victorious commander, the great inland waters, on which the enemy were also to be encountered, have presented achievements of our naval arms, as brilliant in their character as they have been important in their consequences.

On Lake Erie, the squadron under command of Captain Perry having met the British squadron of superior force, a sanguinary conflict ended in the capture of the whole. The conduct of that officer, adroit as it was daring, and which was so well seconded by his comrades, justly entitles them to the admiration and gratitude of their country, and will fill an early page in its naval annals, with a victory, never surpassed in lustre, however much it may have been in magnitude.

On Lake Ontario, the caution of the British commander, favored by contingencies, frustrated the efforts of the American commander to bring on a decisive action. Captain Chauncey was able, however, to establish an ascendancy on that important theatre; and to prove, by the manner in which he effected everything possible, that opportunities only were wanted, for a more shining display of his own talents and the gallantry of those under his command.

The success on Lake Erie having opened a passage to the territory of the enemy, the officer commanding the Northwestern army transferred the war thither, and, rapidly pursuing the hostile troops fleeing with their savage associates, forced a general action, which quickly terminated in the capture of the British, and dispersion of the savage force.

This result is signally honorable to Major General Harrison, by whose military talents it was prepared; to Colonel Johnson and his mounted volunteers, whose impetuous onset gave a decisive blow to the ranks of the enemy; and to the spirit of the volunteer militia, equally brave and patriotic, who bore an interesting part in the scene; more especially to the Chief Magistrate of Kentucky, at the head of them, whose heroism, signalized in the war which established the independence of his country, sought, at an advanced age,

a share in hardships and battles, for maintaining its rights and its safety.

The effect of these successes has been to rescue the inhabitants of Michigan from their oppressions, aggravated by gross infractions of the capitulation which subjected them to a foreign Power; to alienate the savages of numerous tribes from the enemy, by whom they were disappointed and abandoned; and to relieve an extensive region of country from a merciless warfare which desolated its frontiers, and imposed on its citizens the most harassing services.

In consequence of our naval superiority on Lake Ontario, and the opportunity afforded by it for concentrating our forces by water, operations, which had been provisionally planned, were set on foot against the possessions of the enemy on the St. Lawrence. Such, however, was the delay produced, in the first instance, by adverse weather, of unusual violence and continuance, and such the circumstances attending the final movements of the army, that the prospect, at one time so favorable, was not realized.

The cruelty of the enemy in enlisting the savages into a war with a nation desirous of mutual emulation in mitigating its calamities, has not been confined to any one quarter. Wherever they could be turned against us, no exertions to effect it have been spared. On our Southwestern border, the Creek tribes, who, yielding to our persevering endeavors, were gradually acquiring more civilized habits, became the unfortunate victims of seduction. A war in that quarter has been the consequence, infuriated by a bloody fanaticism, recently propagated among them. It was necessary to crush such a war before it could spread among the contiguous tribes, and before it could favor enterprises of the enemy into that vicinity. With this view, a force was called into the service of the United States from the State of Georgia and Tennessee, which, with the nearest regular troops, and other corps from the Mississippi Territory, might not only chastise the savages into present peace, but make a lasting impression on their fears.

The progress of the expedition, as far as is yet known, corresponds with the martial zeal with which it was espoused; and the best hopes of a satisfactory issue are authorized by the complete success with which a well planned enterprise was executed against a body of hostile savages, by a detachment of the volunteer militia of Tennessee, under the gallant command of General Coffee; and by a still more important victory over a larger body of them, gained under the immediate command of Major General Jackson, an officer equally distinguished for his patriotism and his military talents.

The systematic perseverance of the enemy in courting the aid of the savages in all quarters, had the natural effect of kindling their ordinary propensity to war into a passion, which, even among those best disposed towards the United States, was ready, if not employed on our side, to be turned against us. A departure from our protracted forbearance to accept the services tendered by them, has thus been forced upon us. But, in yielding to it, the retaliation has been mitigated as much as possible, both in its extent and in its character, stopping far short of the example of the enemy, who owe the advantages they have occasionally gained in battle, chiefly to the number of their savage associates; and who have not controlled them either from their usual practice of indiscriminate massacre on defenceless inhabitants, or from scenes of carnage with-

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out a parallel, on prisoners to the British arms, guarded by all the laws of humanity and honorable war. For these enormities the enemy are equally responsible, whether with the power to prevent them, they want the will, or, with the knowledge of the want of power, they still avail themselves of such instruments. In other respects, the enemy are pursuing a course which threatens consequences most afflicting to humanity.

A standing law of Great Britain naturalizes, as is well known, all aliens complying with conditions limited to a shorter period than those required by the United States; and naturalized subjects are, in war, employed by her Government in common with native subjects. In a contiguous British province, regulations promulgated since the commencement of the war, compel citizens of the United States being there under certain circumstances to bear arms; whilst, of the native emigrants from the United States, who compose much of the population of the province, a number have actually borne arms against the United States within their limits; some of whom, after having done so, have become prisoners of war, and are now in our possession. The British commander in that province, nevertheless, with the sanction, it appears, of his Government, thought proper to select from American prisoners of war, and send to Great Britain for trial as criminals, a number of individuals, who had emigrated from the British dominions long prior to the state of war between the two nations, who had incorporated themselves into our political society, in the modes recognised by the law and the practice of Great Britain, and who were made prisoners of war, under the banners of their adopted country, fighting for its rights and its safety.

The protection due to these citizens requiring an effectual interposition in their behalf, a like number of British prisoners of war were put into confinement, with a notification that they would experience whatever violence might be committed on the American prisoners of war sent to Great Britain.

It was hoped that this necessary consequence of the step unadvisedly taken on the part of Great Britain would have led her Government to reflect on the inconsistencies of its conduct, and that a sympathy with the British, if not with the American sufferers, would have arrested the cruel career opened by its example.

This was unhappily not the case. In violation both of consistency and humanity, American officers and non-commissioned officers, in double the number of the British soldiers confined here, were ordered into close confinement, with formal notice that, in the event of a retaliation for the death which might be inflicted on the prisoners of war sent to Great Britain for trial, the officers so confined would be put to death also. It was notified, at the same time, that the commanders of the British fleets and armies on our coasts are instructed, in the same event, to proceed with a destructive severity against our towns and their inhabitants.

That no doubt might be left with the enemy of our adherence to the retaliatory resort imposed on us, a correspondent number of British officers, prisoners of war in our hands, were immediately put into close confinement, to abide the fate of those confined by the enemy; and the British Government has been apprized of the determination of this Government, to retaliate any other proceedings against us, contrary to the legitimate modes of warfare.

It is as fortunate for the United States that they have it in their power to meet the enemy in this de-

plorable contest, as it is honorable to them that they do not join in it but under the most imperious obligations, and with the humane purpose of effectuating a return to the established usages of war.

The views of the French Government on the subjects which have been so long committed to negotiation have received no elucidation since the close of your late session. The Minister Plenipotentiary of the United States at Paris had not been enabled, by proper opportunities, to press the objects of his mission, as prescribed by his instructions.

The militia being always to be regarded as the great bulwark of defence and security for free States, and the Constitution having wisely committed to the national authority a use of that force, as the best provision against an unsafe Military Establishment, as well as a resource peculiarly adapted to a country having the extent and the exposure of the United States, I recommend to Congress a revision of the militia laws, for the purpose of securing more effectually the services of all detachments called into the employment, and placed under the Government of the United States.

It will deserve the consideration of Congress, also, whether, among other improvements in the militia laws, justice does not require a regulation, under due precautions, for defraying the expense incident to the first assembling, as well as the subsequent movements, of detachments called into the national service.

To give to our vessels of war, public and private, the requisite advantage in their cruises, it is of much importance that they should have, both for themselves and their prizes, the use of the ports and markets of friendly Powers. With this view, I recommend to Congress the expediency of such legal provisions as may supply the defects or remove the doubts of the Executive authority to allow to the cruisers of other Powers at war with enemies of the United States, such use of the American ports as may correspond with the privileges allowed by such Powers to American cruisers.

During the year ending on the 30th of September last, the receipts into the Treasury have exceeded thirty-seven millions and a half of dollars, of which near twenty-four millions were the produce of loans. After meeting all the demands for the public service, there remained in the Treasury, on that day, near seven millions of dollars. Under the authority contained in the act of the 2d of August last, for borrowing seven millions and a half of dollars, that sum has been obtained on terms more favorable to the United States than those of the preceding loan made during the present year. Further sums to a considerable amount will be necessary to be obtained in the same way during the ensuing year; and, from the increased capital of the country, from the fidelity with which the public engagements have been kept, and the public credit maintained, it may be expected, on good grounds, that the necessary pecuniary supplies will not be wanting.

The expenses of the current year, from the multiplied operations falling within it, have necessarily been extensive. But, on a just estimate of the campaign, in which the mass of them has been incurred, the cost will not be found disproportionate to the advantages which have been gained. The campaign has, indeed, in its latter stages, in one quarter, been less favorable than was expected; but, in addition to the importance of our naval success, the progress of the campaign has been filled with incidents highly honorable to the American arms.

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The attacks of the enemy on Craney Island, on Fort Meigs, on Sackett's Harbor, and on Sandusky, have been vigorously and successfully repulsed; nor have they, in any case, succeeded on either frontier, excepting when directed against the peaceable dwellings of individuals, or villages, unprepared or undefended.

On the other hand, the movements of the American army have been followed by the reduction of York, and of Forts George, Erie, and Malden, by the recovery of Detroit, and the extinction of the Indian war in the West, and by the occupancy or command of a large portion of Upper Canada. Battles have also been fought on the borders of the St. Lawrence, which, though not accomplishing their entire objects, reflect honor on the discipline and prowess of our soldiery, the best auguries of eventual victory. In the same scale are to be placed the late successes in the South, over one of the most powerful, which had become one of the most hostile also, of the Indian tribes.

It would be improper to close this communication without expressing a thankfulness, in which all ought to unite, for the numerous blessings with which our beloved country continues to be favored; for the abundance which overspreads our land, and the prevailing health of its inhabitants; for the preservation of our internal tranquillity, and the stability of our free institutions; and, above all, for the light of Divine truth, and the protection of every man's conscience in the enjoyment of it. And although, among our blessings, we cannot number an exemption from the evils of war, yet these will never be regarded as the greatest of evils, by the friends of liberty and of the rights of nations. Our country has before preferred them to the degraded condition which was the alternative, when the sword was drawn in the cause which gave birth to our national independence; and none who contemplate the magnitude, and feel the value of that glorious event, will shrink from a struggle to maintain the high and happy ground on which it placed the American people.

With all good citizens, the justice and necessity of resisting wrongs and usurpations no longer to be borne, will sufficiently outweigh the privations and sacrifices inseparable from a state of war. But it is a reflection, moreover, peculiarly consoling, that, whilst wars are generally aggravated by their baneful effects on the internal improvements and permanent prosperity of the nations engaged in them, such is the favored situation of the United States, that the calamities of the contest, into which they have been compelled to enter, are mitigated by improvements and advantages of which the contest itself is the source.

If the war has increased the interruptions of our commerce, it has, at the same time, cherished and multiplied our manufactures, so as to make us independent of all other countries for the more essential branches, for which we ought to be dependent on none; and is even rapidly giving them an extent which will create additional staples in our future intercourse with foreign markets.

If much treasure has been expended, no inconsiderable portion of it has been applied to objects durable in their value, and necessary to our permanent safety.

If the war has exposed us to increased spoliation on the ocean, and to predatory incursions on the land, it has developed the national means of retaliating the former, and of providing protection against the latter; demonstrating to all, that every blow aimed at our maritime independence is an impulse accelerating the growth of our maritime power.

By diffusing through the mass of the nation the elements of military discipline and instruction, by augmenting and distributing warlike preparations, applicable to future use; by evincing the zeal and valor with which they will be employed, and the cheerfulness with which every necessary burden will be borne, a greater respect for our rights, and a longer duration of our future peace, are promised, than could be expected without these proofs of the national character and resources.

The war has proved, moreover, that our free Government, like other free Governments, though slow in its early movements, acquires in its progress a force proportioned to its freedom; and that the Union of these States, the guardian of the freedom and safety of all and of each, is strengthened by every occasion that puts it to the test.

In fine, the war, with its vicissitudes, is illustrating the capacity and the destiny of the United States to be a great, a flourishing, and a powerful nation, worthy of the friendship which it is disposed to cultivate with all others; and authorized, by its own example, to require from all an observance of the laws of justice and reciprocity. Beyond these their claims have never extended; and, in contending for these, we behold a subject for our congratulations, in the daily testimony of increasing harmony throughout the nation, and may humbly repose our trust in the smiles of Heaven on so righteous a cause.

JAMES MADISON.

WASHINGTON, December 7, 1813.

The Message was read, and five hundred copies thereof ordered to be printed for the use of the Senate.

Mr. WORTHINGTON submitted the following motion for consideration:

Resolved, That two Chaplains, of different denominations, be appointed to Congress during the present session, one by each House, who shall interchange weekly.

On motion, by Mr. LEIB, a committee was appointed, agreeably to the 42d rule, for conducting business in the Senate; and Messrs. LEIB, GILMAN, and MORROW, were appointed the committee.

WEDNESDAY, December 8.

GEORGE WASHINGTON CAMPBELL, from the State of Tennessee; ROBERT HENRY GOLDSBOROUGH, from the State of Maryland; and DAVID STONE, from the State of North Carolina, severally took their seats in the Senate.

The motion made yesterday for the appointment of Chaplains was read the second and third times by unanimous consent, and agreed to, as follows:

Resolved, That two Chaplains, of different denominations, be appointed to Congress during the present session, one by each House, who shall interchange weekly.

Mr. TART submitted the following motions for consideration:

"That so much of the Message of the President of the United States as concerns our Foreign Relations, be referred to a select committee, with leave to report thereon by bill or otherwise."

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"That so much of the Message of the President of the United States as relates to the Military Establishment thereof, be referred to a select committee, with leave to report thereon by bill or otherwise."

"That so much of the Message of the President of the United States as relates to the Naval Establishment thereof, be referred to a select committee, with leave to report thereon by bill or otherwise."

THURSDAY, December 9.

OBADIAH GERMAN, from the State of New York, and WILLIAM HUNTER, from the State of Rhode Island and Providence Plantations, severally took their seats in the Senate.

The Senate resumed the consideration of the motion made yesterday, for referring to a select committee so much of the Message of the President of the United States as concerns our Foreign Relations; and, having agreed thereto, Messrs. BIBB, of Georgia, TAYLOR, CHACE, BLEDSOE, BRENT, ANDERSON, and BROWN, were appointed the committee.

The second motion made yesterday for a committee was resumed; and on motion, by Mr. BLEDSOE, was amended and agreed to, as follows:

Resolved, That so much of the Message of the President of the United States, as relates to the Military Affairs thereof, be referred to a select committee, with leave to report thereon by bill or otherwise.

Ordered, That Messrs. WORTHINGTON, TURNER, LACOCK, CAMPBELL, and ROBINSON, be the committee.

The Senate resumed the motion made yesterday, for the appointment of a committee on so much of the Message of the President of the United States as relates to the Naval Establishment, and agreed thereto; and Messrs. GAILLARD, TAIT, FROMENTIN, MORROW, and HOWELL, were appointed the committee.

FRIDAY, December 10.

A message from the House of Representatives informed the Senate that the House concur in the resolution of the Senate for the appointment of Chaplains, and have appointed the Reverend JESSE LEE Chaplain on their part. They have passed a bill, entitled "An act for the transmission of certain documents free from postage," in which they request the concurrence of the Senate.

The bill last mentioned was read, and passed to the second reading.

On motion, by Mr. WORTHINGTON, the Senate proceeded to the appointment of a Chaplain on their part; and, on the ballots having been counted, it appeared that the Reverend JOHN BRECKENRIDGE had a majority, and was elected.

On motion, by Mr. FROMENTIN, a committee was appointed, agreeably to the 22d rule, for conducting business in the Senate; and Messrs. FROMENTIN, DAGGETT, and CHACE, were appointed the committee.

Mr. LEIB submitted the following motion for consideration:

Resolved, That a committee of three members be

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appointed, who, with three members of the House of Representatives, to be appointed by that House, shall have the direction of the money appropriated to the purchase of books and maps for the use of the two Houses of Congress.

SATURDAY, December 11.

The motion made yesterday, for the appointment of a joint committee for arrangements in the Library, was read three times, and passed.

Messrs. LEIB, GOLDSBOROUGH, and MASON, were appointed the committee on the part of the Senate.

The bill, entitled "An act to authorize the transmission of certain documents free from postage," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. GOLDSBOROUGH, LEIB, and SMITH, were appointed the committee.

MONDAY, December 13.

SAMUEL W. DANA, from the State of Connecticut, took his seat in the Senate.

Mr. DANA submitted the following motion for consideration:

Resolved, That it is proper, by law, to make provision concerning the militia, for the following purposes:

1. To the non-commissioned officers, musicians, and private soldiers of the militia, who may be called into the service of the United States, an adequate sum shall be allowed for the purchase of their daily subsistence, respectively, in going from their places of residence, unless there be furnished rations in kind, with necessary camp equipage, and also in returning from the service when discharged.

2. There shall also be allowed to such non-commissioned officers, musicians, and private soldiers, of the militia, a compensation for clothing while in service.

Whatever may be due to any of the militia on account of such service, shall be paid without delay.

A message from the House of Representatives informed the Senate that the House have passed a resolution for the printing and distribution of an additional number of the Journals of Congress, and of the documents published under their order; in which they request the concurrence of the Senate.

The resolution brought up for concurrence was read, and passed to the second reading.

On motion, by Mr. MASON,

Resolved, That the President of the United States be, and he is hereby, requested to cause to be laid before the Senate a statement of the amount of duties accruing to the United States on goods, wares, and merchandise, imported into the United States after the 30th day of June, 1812, and before the first day of October, 1813; and, also, a statement of the amount of the duties accruing to the United States on the tonnage of ships and vessels during the same period.

TUESDAY, December 14.

CHRISTOPHER GORE, from the State of Massachusetts, and RUFUS KING, from the State of New York, severally took their seats in the Senate.

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The galleries were cleared, and the doors closed; and, after the consideration of confidential business, the Senate adjourned.

WEDNESDAY, December 15.

WILLIAM H. WELLS, from the State of Delaware, took his seat in the Senate.

The galleries were then cleared and the doors closed; and after the consideration of confidential business, the Senate adjourned.

THURSDAY, December 16.

The joint resolution for the printing and distribution of an additional number of the journals of Congress, and of the documents published under their order, was read the second time, and passed to the third reading.

On motion, the galleries were cleared and the doors of the Senate Chamber closed; and, after the consideration of Executive and confidential business, the Senate adjourned.

FRIDAY, December 17.

Mr. FROMENTIN submitted the following motions for consideration:

Resolved, That a committee be appointed to inquire into the expediency of providing by law for the recording of births, marriages, and deaths, in every county, district, or parish, in the United States.

Resolved, That a committee be appointed to inquire into the expediency of providing by law for the recording of the removal, intended to be permanent, of every family or individual from, or arrival, with a view to a permanent establishment of every family or individual, in any county, district, or parish, in the United States.

Resolved, That a committee be appointed to inquire into the expediency of providing by law for the establishment of a general office of record, for the purposes abovementioned, to be kept at the Seat of the General Government, under the immediate control and superintendence of the Secretary of State.

Resolved, That a committee be appointed to inquire into the expediency of providing by law for the recording of every certificate of naturalization, in the office of the clerk of the court granting the same; duly attested copies of which shall be sent to, and recorded and kept in, the general office of record, to be kept at the Seat of the General Government.

Resolved, That a committee be appointed to inquire into the expediency of providing by law that, from and after the termination of the war in which the United States are now engaged with Great Britain, no person shall be employed as a seaman on board any private vessel of the United States, sailing from a port in the United States to a foreign port, but upon his exhibiting to the collector, for the district from which the vessel is to clear out, a certificate from the general office of record, setting forth the rights of citizenship of the person thus applying to be employed as a seaman, whether those rights be derived from nativity or from naturalization; which certificate shall become a part of the ship's papers, and be delivered to the captain, under such regulations as may be deemed expedient, to be by him deposited, after the return of the vessel to any port of the United States, with the collector of

the custom-house for the district in which the said port is situate, to be used again on any subsequent voyage by the seaman for whose benefit the same was obtained.

The joint resolution for the printing and distribution of an additional number of the journals of Congress, and of the documents published under their order, was read a third time, and concurred in.

Mr. HORSEY presented the memorial of the President and Directors of the Chesapeake and Delaware Canal Company, praying the aid of Government in the completion of their undertaking, for reasons stated at large in the memorial; which was read, and referred to a select committee, to consist of five members, to consider and report thereon by bill or otherwise; and Messrs. HORSEY, GOLDSBOROUGH, SMITH, LEIB, and LACOCK, were appointed the committee.

The Senate resumed the motion made on the 13th instant to make provision by law concerning the militia; and, having agreed thereto, it was referred to the committee appointed, on the 9th instant, on so much of the Message of the President of the United States as relates to Military Affairs, to consider and report thereon by bill or otherwise.

After the consideration of Executive and confidential business the Senate adjourned to 5 o'clock in the evening.

5 o'clock in the evening.

After the consideration of confidential business, the Senate adjourned to 11 o'clock on Monday morning.

MONDAY, December 20.

On motion, by Mr. BLEDSOE,

Resolved, That the committee on so much of the Message of the President of the United States as relates to Military Affairs, be instructed to inquire into the expediency of making further regulations by law respecting the medical staff of the Army of the United States.

Mr. DANA gave notice that to-morrow he should ask leave to bring in a bill respecting field officers of the militia, and officers of the staff.

A letter was read from the Secretary of State of the Commonwealth of Pennsylvania, to the Secretary of the Senate, accompanying a new edition of the laws of that State.

On motion, by Mr. WORTHINGTON,

Resolved, That the committee to whom was referred so much of the Message of the President of the United States as relates to Military Affairs, be instructed to inquire into the expediency of establishing additional military schools, and that they have leave to report by bill or otherwise.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

I transmit to the Senate a report of the acting Secretary of the Treasury, complying with the resolution of the 13th instant.

JAMES MADISON.

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The Message and report therein referred to were read, and ordered to be printed for the use of the Senate.

After the consideration of the Executive and confidential business, the Senate adjourned to 11 o'clock to-morrow morning.

The injunction of secrecy respecting a confidential Message of the President of the United States of the 9th instant, together with the proceedings of the Senate thereon, having been removed, they are here inserted.

[CONFIDENTIAL.]

THURSDAY, December 9.

The following confidential Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

The tendency of our commercial and navigation laws, in their present state, to favor the enemy and thereby prolong the war, is more and more developed by experience. Supplies of the most essential kinds find their way not only to British ports and British armies at a distance, but the armies in our neighborhood, with which our own are contending, derive from our ports and outlets a subsistence attainable with difficulty, if at all, from other sources. Even the fleets and troops infesting our coasts and waters, are, by like supplies, accommodated and encouraged in their predatory and incursive warfare.

Abuses having a like tendency take place in our import trade. British fabrics and products find their way into our ports under the name and from the ports of other countries, and often in British vessels disguised as neutrals by false colors and papers.

To these abuses it may be added, that illegal importations are openly made, with advantage to the violators of the law, produced by undervaluations or other circumstances involved in the course of the judicial proceedings against them.

It is found, also, that the practice of ransoming is a cover for collusive captures, and a channel for intelligence advantageous to the enemy.

To remedy, as much as possible, those evils, I recommend—

That an effectual embargo on exports be immediately enacted:

That all articles known to be derived, either not at all, or in an immaterial degree only, from the productions of any other country than Great Britain, and particularly the extensive articles made of wool and cotton materials, and ardent spirits made from the cane, be expressly and absolutely prohibited, from whatever port or place, or in whatever vessels the same may be brought into the United States; and that all violations of the non-importation act be subjected to adequate penalties:

That, among the proofs of the neutral and national character of foreign vessels, it be required that the masters and supercargoes, and three-fourths at least of the crews, be citizens or subjects of the country under whose flag the vessels sail:

That all persons concerned in collusive captures by the enemy, or in ransoming vessels or their cargoes from the enemy, be subjected to adequate penalties.

To shorten as much as possible the duration of the

war, it is indispensable that the enemy should feel all the pressure that can be given to it, and the restraints having that tendency will be borne with the greater cheerfulness by all good citizens, as the restraints will affect those most who are most ready to sacrifice the interests of their country in pursuit of their own.

JAMES MADISON.

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The Message was read, and referred to the committee this day appointed on so much of the Message of the President of the United States as relates to our Foreign Relations, with leave to report thereon by bill or otherwise.

MONDAY, December 13.

Mr. BIBB, from the committee appointed the 9th instant on the subject, reported, in part, a bill laying an embargo on all ships and vessels in the ports and harbors of the United States; which was in part read.

A confidential message was received from the House of Representatives, by Messrs. GRUNDY and LEWIS, two of their members; Mr. GRUNDY, Chairman:

Mr. President: The House of Representatives have passed a bill (in confidence) "laying an embargo on all ships and vessels in the ports and harbors of the United States," in which they request the concurrence of the Senate.

The bill last mentioned was read; and on motion, by Mr. BIBB, that the bill be now read the second time, it was objected to as against the rule.

On motion, by Mr. BIBB, it was agreed to suspend the twelfth rule for conducting business in the Senate, so far as the same relates to the second reading of the bill at this time: And the bill was read the second time, and referred to the committee appointed the 9th instant, on so much of the Message of the President of the United States as relates to our Foreign Relations, to consider and report thereon.

On motion, by Mr. GILES,

Ordered, That the bill this day reported by the committee last mentioned, be recommitted to the original committee, to consider and report thereon.

Mr. BIBB, from the Committee on Foreign Relations, reported the bill from the House of Representatives with amendments; which were read.

A motion was made, by Mr. SMITH, that the bill and amendments be confidentially printed for the use of the Senate; and, on motion, by Mr. CAMPBELL, the question was divided; and it was agreed that the amendments to the bill, as reported by the committee, be confidentially printed for the use of the Senate.

TUESDAY, December 14.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," together with the amendments reported thereto by the select committee; and Mr. ANDERSON was requested to take the Chair.

Whereupon, the amendments were amended

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and adopted; and, after debate, on motion, by Mr. GILES, the bill was recommitted to the original committee, further to consider and report on the fourth section thereof.

WEDNESDAY, December 15.

THE EMBARGO.

Mr. BIBB, from the Committee on Foreign Relations to whom was recommitted the bill, entitled "An act laying an embargo on ships and vessels in the ports and harbors of the United States," reported amendments to the fourth section; and the bill and amendments were considered as in Committee of the Whole; and the bill having been further amended, the amendments were agreed to.

On motion, by Mr. BROWN, to expunge, from section 2, line 3, the words "goods, wares, merchandise, produce," it was determined in the negative—yeas 9, nays 24, as follows:

YEAS—Messrs. Brown, Daggett, Dana, Fromentin, Gore, King, Mason, Smith, and Wells.

NAYS—Messrs. Anderson, Bibb of Georgia, Bledsoe, Brent, Campbell, Chace, Gaillard, German, Giles, Gilman, Goldsborough, Horsey, Howell, Hunter, Lacock, Lambert, Leib, Morrow, Stone, Tait, Taylor, Turner, Varnum, and Worthington.

On motion, by Mr. MASON, to amend the amendment to the first section of the bill, by inserting the following words: "and with the goods, wares, and merchandise, other than provisions and military and naval stores, on board of such foreign ship or vessel, when notified of this act," it was determined in the affirmative—yeas 18, nays 16, as follows:

YEAS—Messrs. Anderson, Daggett, Dana, Fromentin, German, Giles, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Leib, Mason, Smith, Stone, and Wells.

NAYS—Messrs. Bibb of Georgia, Bledsoe, Brent, Brown, Campbell, Chace, Gaillard, Howell, Lacock, Morrow, Robinson, Tait, Taylor, Turner, Varnum, and Worthington.

And Mr. ANDERSON reported the bill to the House amended.

On motion, to agree to the report of the committee to strike out the fourth section, for the purpose of inserting the following after "enacted:"

"That the President of the United States may authorize the collectors of the customs (when, in his opinion, it can be done without danger of the embargo being violated, and under such limitations as he may deem expedient) to grant permission to vessels or boats whose employment has uniformly been confined to the navigation of bays, sounds, rivers, or lakes, within the jurisdiction of the United States, or the Territories thereof, to take on board, at any time, such articles of domestic or foreign growth as may be designated in such permission; bond, with one or more sufficient sureties, being previously given to the United States by the owner, owners, consignee, or factors, of such vessel or boat, and by the master thereof, in an amount equal to three hundred dollars for each ton of the said vessel or boat, that such vessel or boat shall not, during the time limited in the condition of the bond, depart from any district of the United States without having previously

obtained a clearance, nor until the master or commander shall have delivered to the collector or surveyor of the port of departure a manifest of the whole cargo on board; that the said vessel or boat shall not, during the time above-mentioned, proceed to any other port or place than that mentioned in her clearance, nor put any article on board of any other vessel or boat, or be employed in any foreign trade; and that, on every voyage or trip, the whole of the cargo shall be landed in a port or place of the United States, or the Territories thereof, within the bay, sound, rivers, or lakes, to which the navigation of such vessel or boat is confined. And the burden of proof of the landing of the whole of any such cargo in a port or place of the United States, or the Territories thereof, within the bay, sound, rivers, or lakes, to which the navigation of such vessel or boat is confined, or in the port or place mentioned in the clearance, shall, in case of any suit or prosecution instituted on such bond for a breach of the conditions thereof, lie upon the owner or owners, consignee or factors, of such vessel or boat, or the master thereof, as the case may be: *Provided*, such prosecution or suit be instituted within two years after such breach shall have been committed."

A division of the question was called for by Mr. HORSEY; and, on the question to strike out the fourth section, it was determined in the affirmative—yeas 33, nays 1, as follows:

YEAS—Messrs. Anderson, Bibb of Georgia, Bledsoe, Brent, Brown, Campbell, Chace, Daggett, Fromentin, Gaillard, German, Giles, Gilman, Goldsborough, Gore, Horsey, Howell, Hunter, King, Lacock, Lambert, Leib, Mason, Morrow, Robinson, Smith, Stone, Tait, Taylor, Turner, Varnum, Wells, and Worthington.

NAY—Mr. Dana.

On the question to insert the substitute reported by the select committee, it was determined in the affirmative—yeas 26, nays 8, as follows:

YEAS—Messrs. Anderson, Bibb of Georgia, Bledsoe, Brent, Brown, Campbell, Chace, Fromentin, Gaillard, Giles, Goldsborough, Howell, King, Lacock, Lambert, Leib, Morrow, Robinson, Smith, Stone, Tait, Taylor, Turner, Varnum, Wells, and Worthington.

NAYS—Messrs. Daggett, Dana, German, Gilman, Gore, Horsey, Hunter, and Mason.

On the question to agree to the report of the committee, and strike out the seventh section, as follows:

"SEC. 7. *And be it further enacted*, That the owner or owners of all vessels licensed for fisheries, or those bound on a whaling voyage, and having no other cargo than necessary sea-stores, salt, and the usual fishing tackling and apparel, shall give a general bond in four times the value of the vessel and cargo, that they will not, during the continuance of this act, proceed to any foreign port or place, and will return, with their fishing fare, to some port or place within the United States:"

It was determined in the negative—yeas 13, nays 21, as follows:

YEAS—Messrs. Anderson, Bibb of Georgia, Brent, Campbell, Chace, Gaillard, Howell, Lacock, Morrow, Robinson, Stone, Turner, and Worthington.

NAYS—Messrs. Bledsoe, Brown, Daggett, Dana, Fromentin, German, Giles, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Leib, Mason, Smith, Tait, Taylor, Varnum, and Wells.

On motion, by Mr. DANA, to strike out of sec-

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tion 10, lines 6 and 7, the words, "carts, wagons, sleighs, or any other carriages, or in any manner apparently on their way towards the territories of a foreign nation, or the vicinity thereof, or," it was determined in the negative—yeas 8, nays 25, as follows:

YEAS—Messrs. Dana, Daggett, Goldsborough, Gore, Hunter, King, Mason, and Wells.

NAYS—Messrs. Anderson, Bibb of Georgia, Brent, Brown, Campbell, Chace, Fromentin, Gaillard, German, Giles, Gilman, Horsey, Howell, Lacock, Lambert, Leib, Morrow, Robinson, Smith, Stone, Tait, Taylor, Turner, Varnum, and Worthington.

On motion, by Mr. DAGGETT, to expunge from the first section the words:

"And that the President be authorized to give such instructions to the officers of the revenue, of the navy, and of the private armed vessels and revenue cutters of the United States, as shall appear best adapted for carrying the same into full effect:"

It was determined in the negative.

On motion, by Mr. DANA, to strike out of section 12, line 6, the words:

"The illegal departure of any ship or vessel, or of detaining, taking possession of, and keeping in custody, any ship or vessel, or of taking into custody and guarding any specie, goods, wares, merchandise, produce, or provisions, and also for the purpose of preventing:"

It was determined in the negative—yeas 11, nays 22, as follows:

YEAS—Messrs. Dana, Daggett, German, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Mason, and Wells.

NAYS—Messrs. Anderson, Bibb of Georgia, Bledsoe, Brent, Brown, Campbell, Chace, Gaillard, Giles, Gilman, Howell, Lacock, Leib, Morrow, Robinson, Smith, Stone, Tait, Taylor, Turner, Varnum, Worthington,

On motion, by Mr. MASON, to strike out the 6th section, as follows:

"Sec. 6. *And be it further enacted*, That the person or persons whose names do or may appear as owner or owners of any ship or vessel, either on the certificate of registry, enrolment, or license, of any such ship or vessel; or, if neither registered nor licensed, on the last clearance or custom-house documents issued before the passing of this act for such ship or vessel, shall be reputed as the true owner or owners of such ship or vessel, and be liable to the payment of all penalties which may be incurred by the owners of such ship or vessel, by reason of any violation of any of the provisions of this act: *Provided, always*, That nothing in this section contained shall be construed to release any other person or persons from the payment of any penalty incurred by virtue of this act. And, in case of any new register or license being granted during the continuance of this act, or, in case of the sale of any ship or vessel, neither registered nor licensed, a bond with one or more sureties to the United States shall, previous to the granting any such new register or license, or to recognising the sale of such vessel, not registered or licensed, be required by the collector, in an amount equal to three hundred dollars of each ton of such ship or vessel, that such ship or vessel shall not, during the continuance of this act, contravene or infringe any of the provisions thereof: *Provided*, That nothing herein contained shall be construed to extend to the owner or owners of any ship or vessel who shall have made a

bona fide sale of such ship or vessel, in any port or harbor of the United States, before notice of this act at such port or harbor respectively, nor to the owner or owners of any ship or vessel in any foreign port or place, who shall have made a *bona fide* sale thereof before notice of this act: *And provided, also*, That such bond shall not release the owners and master of such ship or vessel, or any other person, from the obligation of giving every other bond required by this act:"

It was determined in the negative—yeas 12, nays 22, as follows:

YEAS—Messrs. Daggett, Dana, German, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Mason, and Wells.

NAYS—Messrs. Anderson, Bibb of Georgia, Bledsoe, Brent, Brown, Campbell, Chace, Fromentin, Gaillard, Giles, Howell, Lacock, Leib, Morrow, Robinson, Smith, Stone, Tait, Taylor, Turner, Varnum, Worthington.

On motion, by Mr. MASON, to amend the amendment to the first section, by inserting the following words:

"Or any vessels licensed for the fisheries, or those bound on a whaling voyage, and having no other cargo than necessary sea-stores, salt, and the usual fishing tackling and apparel:"

It was determined in the negative—yeas 12, nays 22, as follows:

YEAS—Messrs. Daggett, Dana, German, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Mason, and Wells.

NAYS—Messrs. Anderson, Bibb of Georgia, Bledsoe, Brent, Brown, Campbell, Chace, Fromentin, Gaillard, Giles, Howell, Lacock, Leib, Morrow, Robinson, Smith, Stone, Tait, Taylor, Turner, Varnum, Worthington.

On the question, 'Shall the bill be read a third time, as amended?' it was determined in the affirmative—yeas 20, nays 14, as follows:

YEAS—Messrs. Anderson, Bibb of Georgia, Bledsoe, Brent, Campbell, Chace, Gaillard, Giles, Howell, Lacock, Leib, Morrow, Robinson, Smith, Stone, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS—Messrs. Brown, Daggett, Dana, Fromentin, German, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Mason, and Wells.

THURSDAY, December 16.

THE EMBARGO.

Mr. FROMENTIN, from the committee, reported the amendments to the bill, entitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," correctly engrossed; and the bill was read the third time as amended.

Mr. MASON, of New Hampshire, rose and addressed the Chair as follows:

Mr. President:—Knowing that the advocates of the bill under consideration are averse to a full discussion of its merits, and that a speedy decision is determined on, I do not intend to trespass a long time on your patience. But believing this measure to be pregnant with consequences the most pernicious to our country, I cannot permit it to pass without entering against it my solemn protest. You are about to change the daily occupations, and destroy the means of a subsistence,

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of a vast portion of your population. To remove all obstacles in the way of your rapid march, you have set aside an ancient and useful rule, expressly designed to protect against hasty and inconsiderate determinations. This subject, in the decision of which are involved the dearest interests of the people, you have ordered to be debated and decided in secret. Why is public discussion prohibited? The matter under consideration has become the subject of newspaper paragraphs, and is, at this hour, as well known in the principal cities of the Union as in this Hall. We, who are bound to act on our high responsibility, are the only persons in the nation who may not seek information to govern our conduct.

At the last session of Congress, immediately after the important act regulating our foreign trade had been passed, a bill, similar in its general provisions to that now before us, was hastily brought forward, and although strongly recommended by the President of the United States, was, after much discussion, rejected. That bill, by the terms of it, was limited in its duration to the present time. The President, persevering in his former opinion, has again recommended the measure, and full confidence is expressed that it will now be adopted. The Message of the President contains no new information, and we have heard no new reasoning. The reasons in favor of the bill are certainly less weighty now than at the last session. It was then urged, that during the mild weather of the Summer, the enemy was able so to blockade our harbors, that, without his permission, nothing would escape, and therefore the duration of the act then proposed was limited to the beginning of Winter, when the tempestuous weather and long nights afford opportunities of escaping the blockading squadrons. Whence, then, this confidence, that a measure so lately rejected will now be adopted? To those not favored with the confidence of the Administration, the reasons of this supposed change of opinion are not apparent.

The evil complained of is, that our enemy obtains from this country supplies of provisions essential for the subsistence of his fleets and armies. To remedy this, the bill prohibits all exports of every kind. Why does the prohibition extend to any commodities other than provisions? Or, at most, to such as may, in some way, be useful to his fleets or armies? The object is said to be to distress our enemy, and disable him to carry on the war. It is important to inquire, who will be most injured, our enemies or ourselves? For if, on examination, it should be found that the loss and injury will fall mostly on our citizens, a wise and dispassionate Legislature will find no sufficient inducement to assent to the bill, in the apparently consolatory reflection in the President's Message, "that the restraints will affect those most who are most ready to sacrifice the interests of their country in pursuit of their own." To determine what will be the effect on our enemy, we must know his wants, and to what degree they are relieved by supplies from this country. We have no evidence, nor even an estimate, of

the quantity of provisions which the enemy obtains from our country. Had he obtained such supplies to a great amount, it would seem the Government must have some evidence of the facts. If the Government does possess such evidence, it is to be regretted that it has not been laid before the Legislature. Destitute of evidence, we are obliged to act on conjecture.

The enemy is supposed to have obtained from this country supplies, consisting principally of flour for his troops in the West Indies and at Halifax. These supplies must have gone mostly through the medium of neutrals. Existing laws prohibit, under heavy penalties, all trading with the enemy. Few, if any, prosecutions have been instituted on those laws. It is to be presumed, therefore, that our citizens have not often transgressed them. The scarcity of provisions at the places mentioned may be judged of by their prices, which, during the past Summer, have not been unusually high. Flour has also been exported to Spain and Portugal, but this is mostly for the use of the inhabitants. The allied armies are removed too far into the interior of the country to draw their supplies from Lisbon and Cadiz, the places to which our flour is chiefly carried. I trust it does not enter into the policy of the Government to distress any portion of the Spanish people, except what is in arms against France.

That the necessities of the enemy are urgent, is rendered almost incredible by the fact, that he exerts his utmost power to prevent supplies going from this country. A rigorous blockade was last Spring instituted, and has ever since been enforced on the ports from which our provisions were usually exported in the greatest quantities. Discovering that the article of flour began to find its way out of the country, through Long Island Sound, he has lately extended the blockade to all that coast. Can we suppose the enemy anxious to obtain provisions, or other produce of this country, while he thus throws every obstacle in his power in the way of their getting to him?

But it has been urged, and seems to be relied on, as the strongest reason in favor of the bill, that the hostile ships and squadrons on our coast draw from the country necessary supplies, which they could not otherwise obtain. Here again, in the absence of all evidence, we must rely on conjecture. It is well known, that foreign salted provisions are not often permitted to be used on board British ships of war. The supplies from this country for their ships are said to consist mostly of fresh provisions and breadstuffs. The former are supposed to have been obtained partly by force and partly by purchase. The quantities of either of these articles thus obtained are wholly uncertain. A person voluntarily furnishing supplies to the enemy, under certain circumstances, is guilty of treason; under any circumstances, he is guilty of a great misdemeanor, and liable to heavy penalties. While exposed to such perils, is it to be presumed that our citizens have furnished supplies in large quantities? That would be to suppose, not only the highest degree

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of depravity, but also a carelessness and negligence of self-preservation. If such crimes have been committed, why has not punishment followed? If the present laws will not restrain our citizens, what better hopes can be entertained from that now proposed? Suppose the bill to operate as favorably as its friends can expect, would it, in any considerable degree, produce the desired effects? While our seacoasts remain wholly unprotected, the hostile ships may always obtain by force a partial supply of vegetables and fresh provisions. Even breadstuffs may in that manner be obtained from certain parts of our coasts in considerable quantities. Nor can it be believed that this bill will entirely prevent all trade with the enemy's ships. Our prohibition of the exportation of flour and other produce, will, of course, greatly depress their prices at home. This will operate as a premium to supply the enemy in violation of the law. By our utmost exertions we shall not be able to prevent the hostile ships obtaining supplies, and partly from our shores. The most we can expect to do is, to enhance the prices at which they may be obtained. This will be more than balanced by lessening the number of ships which it will be necessary for the enemy to keep on our coast. A great portion of these are now employed in enforcing the blockade. Our embargo, together with a prohibition of importations, the other part of the system recommended by the President, strictly enforced, will completely effect the objects of the blockading squadrons; a few single ships will probably remain to take care that we faithfully execute our own laws, while the rest will be employed in predatory expeditions, or in other and more honorable service, in looking after our frigates. It is not probable, therefore, that the operation of the bill will even increase the expense to the enemy of maintaining on our coasts the ships necessary for his purpose. But suppose we should be able to do this to a certain degree. Suppose the enemy should find it necessary to keep the usual number of ships of war on our coast, and that we could increase the expense of the supplies of provisions now obtained from our shores to double the amount of their present prices. Would this induce him to withdraw his squadrons from our waters?

The annual expenditure of our enemy exceeds three hundred and fifty millions of dollars. With such means in her possession, will that proud and arrogant nation be influenced by your paltry calculations of the prices of provisions necessary for her fleets? We shall never be able to starve the hostile fleets from our waters.

To underrate the power and resources of our enemy is surely unwise. The wealth and naval resources of the British Empire have never been equalled by any nation, ancient or modern. Her possessions extend to every quarter of the globe. Having the dominion of the ocean, she has engrossed the commerce of the world. A nation so circumstanced cannot be starved, except by a general famine throughout the earth. Wheat grows in other countries besides our own.

It is time that we should seek instruction from experience. Our restrictive system, in its various forms and modifications, and enforced with all our power, was in operation several years. It was ostensibly designed, by operating on the interests of Great Britain, to induce her to respect our commercial rights. That it has failed to produce the desired effect, is sufficiently apparent from the fact, that we have since waged war against her to secure those rights. She has uniformly treated our system of commercial restrictions with utter contempt; she has not even condescended to retaliate. There can be no hopes, then, that this project, which was despised by Great Britain, when South America and the continent of Europe were shut against her trade, should, at the present time, when her commerce with those countries is more extensive than at any former period, produce the astonishing effect of disabling her to carry on the war. Let us cease flattering ourselves with such delusive prospects, which always have, and will continue to disappoint our expectations. We shall never produce any effect on our enemy by such expedients. They must be abandoned, and we must either make peace, or carry on the war, in which we are unfortunately engaged, in the old-fashioned way, by hard fighting. On the enemy, the proposed measure will, in my opinion, be inefficient. Would to God its operation on our own citizens may be equally harmless.

This bill prohibits exportations only, but it is understood that, in compliance with the recommendation of the President, it is to be followed by a prohibition of by far the greatest part of our customary importations. The intention, therefore, must be, during the continuance of the present war, to destroy all commerce. As nothing is to be exported, it requires no long course of reasoning to show that much cannot be imported. This plan certainly has all the recommendation of novelty. The history of the world does not produce an instance of a nation that has ever attempted it. It is a kind of self-immolation, like that practised by the inhabitants of Japan, who destroy themselves to resent an affront on their honor.

Nothing but the knowledge that this bill is patronised by men of high standing and reputation protects it from the accusation of extreme folly. Engaged in a war for the protection of your rights on the ocean, you abandon the ocean. Your enemy establishes a blockade of your coast, and you join with him and help to enforce it. There is nothing in issue between you. He wants to destroy your trade, and you accede to his wishes and abandon all trade. To secure your share of the empire of the sea, you compel your citizens to retire to the land. From this element, the only scene of your success, you have voluntarily withdrawn. For idle would be the attempt to establish and maintain a navy without commerce. No nation ever has or ever will effect it. France once had a navy; she still has ships; but the arbitrary power of her Emperor, exercising a military despotism over an immense pop-

ulation, is insufficient to man them. The fisheries and merchant service are indispensable nurseries of sailors for a navy. Already, according to the best information, has your system of commercial restrictions driven from their country one-third part of your mariners. This war, said to be commenced for sailors' rights, if much longer pursued on its present plan, will destroy its own object, for we shall have no sailors. Commercial and seafaring habits, once lost, cannot be soon regained.

Instead of your present mysterious policy, I advise to adopt that recommended by common sense. Having been injured on the ocean, there seek redress. Instead of wasting the lives of your citizens, and the treasures of your country, in a border warfare, in which you have no prospect of either honor or profit, provide a navy, and meet your enemy on the sea. There your brilliant success invites, and there the inclinations of your citizens will follow you. The nation will never believe that the real object of this war is the protection of commercial rights, while the tendency of your measures is to destroy commerce. Other evidence than mere declarations is necessary to establish the belief that you are friendly to a navy. The period of time elapsed since the declaration of war has been ample for building frigates and smaller vessels, and yet not a single vessel of war of any considerable force, built by your orders, floats on the sea. Your navy yards and magazines are known to be nearly destitute of materials necessary for building and equipping ships.

The destruction of commerce, and with it all hopes of a naval establishment, will be the consequence of passing this bill. Even the limited coasting trade and fisheries, on which vast numbers of our citizens depend for subsistence, cannot be pursued, except by the special favor and permission of the President. The inquiry into your right to do this is worthy of much consideration. Under what head in the charter of your powers is it contained? You have power to regulate commerce. Pass this bill, and there will be no commerce to regulate. This cannot be viewed as a temporary embargo. Although the operation of the act is limited to a period a little exceeding one year, yet the same policy which now enacts, will cause its continuance, at least during this war.

Is this right involved in the power to wage war? It will hardly be contended that such destruction of all commercial property and employments, is a necessary means of prosecuting the war. Humiliating must be the confession that the nation is already so pressed by the war as to render such an enormous sacrifice necessary. Is the justification of the measure to rest on that ground?

The hostile squadrons have undoubtedly obtained, by force, from our exposed coasts and islands, valuable supplies, contributing much to their comfort. Why, then, if you pretend to deal equal justice to all classes of your citizens, do you not prohibit the raising of wheat and other provisions

in such exposed situations? Let the planters on the coasts, within the power of the enemy, retire into the interior of the country. Their distress would then be similar to what you are about to inflict on the commercial part of the nation. Common suffering would excite sympathy, which would tend to produce an united exertion for relief.

The loss of the revenue from importations and tonnage, now estimated at more than five millions of dollars annually, is the unavoidable consequence of the loss of trade. The specie will be drained from the country to pay for the foreign productions which will be introduced in defiance of the laws. When the want of market for the surplus produce shall have reduced the people to poverty, their distress will be heightened by the increase of taxes to support public credit, and to furnish the means to carry on the war.

There are consequences, of another cast, still more to be deprecated. The proposed measure tends to the destruction of the moral habits and character of the commercial class of society.

The time was, when the merchants of this country were deservedly praised for their strict and honorable observance of laws of trade and revenue. Prosecutions for the violations of those laws were unfrequent. In a free Government, laws calculated to promote the public welfare will in most cases be cheerfully obeyed. The bill before us contains all the offensive provisions of the former acts, introducing and enforcing the restrictive system. It is a melancholy fact, that more than three hundred prosecutions for violations of those acts were pending, at one time, in a single district. Those laws were generally esteemed by the commercial part of the community to be unjust and oppressive. They were consequently often violated. All manner of devices to evade them was invented and practised, and the trials of the prosecutions, which terminated mostly against the Government, show how difficult was the task of executing violent and arbitrary laws, counteracting the common sentiments of equity and justice.

The strength of a free Government consists essentially in the union of sentiment among its citizens. The act of the 9th of January, 1809, commonly called the enforcing act, in a short period after its enactment, and before any change had taken place in our foreign relations, was repealed. Certain provisions in that act, which are introduced into this bill, were deemed, by some of the wisest and best men in the nation, to infringe rights secured by the Constitution. You, Mr. President, can witness that many of the warmest friends of the Administration, at that time, thought that act could not be executed, except by military force.

Many of the details of the bill, liable to strong objections, apparently lose their importance when brought into comparison with the arbitrary and sanguinary means by which it is directed to be enforced. Power is given to the President of the United States, and such subordinate officers as he shall appoint, without the intervention of any

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civil magistrate, to call out and employ, at pleasure, all the military power of the nation. The exercise of such a power is not only contrary to the spirit of the Constitution, but utterly inconsistent with the principles of civil liberty. It is in effect declaring martial law throughout the country, and exposing every man's breast to the point of the bayonet. A people accustomed to live under the arbitrary exercise of such power, would soon become slaves. A Cæsar or Bonaparte would not be necessary; any demagogue might rob them of their liberties. When the altar is prepared, and the victim bound, a priest to officiate will not long be wanting.

A perseverance in arbitrary and oppressive measures will, in the end, alienate the affections of the people from the Government. Apprehensions are known to exist, that the unfortunate and disastrous state of our public affairs endangers the union of the States. I trust there is no cause at present to fear such a fatal calamity. The people of the Eastern States are supposed, by some, to view such an event with too much indifference. The accusation is unjust. A proposal to dissolve the Union would, at the present time, be there treated with universal abhorrence. That people will suffer long and severely before they resort to such desperate counsels. But the belief that foreign commerce is necessary for their prosperity and happiness, has descended to them from their ancestors. This belief is there embraced by all classes of society; is deeply rooted and thoroughly established. To secure that commerce was their chief inducement to associate under this Government. Whenever the people of those States shall have a settled conviction that it is the determined and unalterable policy of the Government to destroy their commerce, then will they disclaim all attachment to the Union, and attempt its dissolution. I do not say that the passing this bill will produce that conviction; but I do not hesitate to say that, in my opinion, such must and will be its tendency.

When Mr. MASON had concluded, the question was taken, Shall this bill pass as amended? and was determined in the affirmative—yeas 20, nays 14, as follows:

YEAS—Messrs. Anderson, Bibb of Georgia, Bledsoe, Brent, Campbell, Chace, Gaillard, Giles, Howell, Lacock, Leib, Morrow, Robinson, Smith, Stone, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS—Messrs. Brown, Daggett, Dana, Fromentin, German, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Mason, and Wells.

So it was *Resolved*, That the bill do pass with amendments.

On motion, by Mr. BIBB, a committee was appointed, to consist of two members, confidentially to carry the bill to the House of Representatives, and request their concurrence in the amendments; and Messrs. BIBB of Georgia and BLEDSOE were appointed the committee.

FRIDAY, December 17.

Mr. BIBB, from the committee appointed to carry a confidential message to the House of Rep-

resentatives, reported that they had performed that service.

A confidential message was received from the House of Representatives, by Messrs. FISK and COOPER, two of their members—Mr. FISK, chairman:

Mr. President: The House of Representatives concur in the amendments of the Senate to the bill, entitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States."

Five o'clock in the evening.

Mr. BLEDSOE, from the committee, reported the bill, entitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," duly enrolled.

A confidential message, from the House of Representatives, by Messrs. SKINNER and CAPERTON, two of their members—Mr. SKINNER, chairman:

Mr. President: The Speaker of the House of Representatives having signed an enrolled bill, we are directed to bring it to the Senate, in confidence, for the signature of their President.

The PRESIDENT signed the enrolled bill last reported to have been examined, and it was delivered to the committee, to be laid before the President of the United States.

MONDAY, December 20.

Mr. BLEDSOE, from the committee, reported that they had, on Friday last, laid before the President of the United States the enrolled bill last reported to have been examined.

On motion, by Mr. BIBB, that the injunction of secrecy on the proceedings of the Senate in respect to the bill, entitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," be removed, a motion was made, by Mr. WELLS, to amend the motion. Whereupon,

Resolved, That the injunction of secrecy on the Message of the President of the United States of the 9th instant, and also on the proceedings of the Senate in respect to the bill, entitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," be removed.

[*End of confidential business.*]

TUESDAY, December 21.

Mr. DANA asked and obtained leave to bring in a bill respecting field officers of the militia, and officers of the staff; and the bill was read, and passed to the second reading.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the relief of Richard Dale;" in which they request the concurrence of the Senate.

The bill last mentioned was read, and passed to the second reading.

Mr. GAILLARD presented the memorial of Chas. B. Cochran, of Charleston, in the State of South Carolina, stating that he had made a contract

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with the late Secretary of the Navy, for a site near Charleston, for the purpose of establishing a navy yard thereon, which has been abandoned by the present Secretary of the Navy, under an opinion that there was no law to authorize the purchase, and praying relief; and the memorial was read, and referred to the committee appointed the 9th instant, on so much of the Message of the President of the United States as relates to the Naval Establishment, to consider and report thereon by bill or otherwise.

Mr. TAYLOR presented the petition of Robert E. Cochran, stating that he is closely confined in the common jail of Charleston district, under a process of attachment issued from the Court of Admiralty, and praying relief, for reasons stated at large in the petition; which was read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. TAYLOR, DANA, and DAGGETT, were appointed the committee.

WEDNESDAY, December 22.

The bill, entitled "An act for the relief of Richard Dale," was read the second time, and referred to the committee appointed on the 9th instant, on so much of the Message of the President of the United States as relates to the Naval Establishment, to consider and report thereon.

The bill respecting field officers of the militia, and officers of the staff, was resumed; and, on motion, by Mr. DANA, ordered to lie on the table.

Mr. DANA gave notice that, at the next sitting of the Senate, he should ask leave to bring in a bill concerning evidence in cases of naturalization.

THURSDAY, December 23.

Mr. DANA asked and obtained leave to bring in a bill concerning evidences in cases of naturalization; and the bill was read, and passed to the second reading.

Mr. DANA gave notice that, to-morrow, he should ask leave to bring in a bill to establish a system of navigation for the United States.

Mr. HORSEY submitted the following motion for consideration:

Resolved, That it would be proper to make provision by law for paying the expenses of the militia of any State or Territory heretofore called out, or that may hereafter be called out, under the authority of such State or Territory, for the purposes of repelling invasion, or defending the country against the predatory incursions of the enemy.

FRIDAY, December 24.

The bill concerning evidences in cases of naturalization was read the second time; and the further consideration thereof postponed.

Mr. DANA asked and obtained leave to bring in a bill to establish a system of navigation for the United States; and the bill was read, and passed to the second reading.

TUESDAY, December 28.

Mr. FROMENTIN submitted the following motion for consideration:

Resolved, That the committee to whom was referred so much of the Message of the President of the United States as relates to the Navy of the United States, be directed to inquire into the expediency of providing by law for an increase of the bounty allowed to the owners, officers, and crews, of the private armed vessels of the United States, and likewise into the expediency of allowing the same bounty to the officers and crews of the public ships of the United States.

The PRESIDENT communicated a report from the Secretary for the Department of War, made conformably to "An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments," passed March 3, 1809," showing the application of moneys which have been transferred by order of the President from several of the appropriations for the use of the military department since the last session of Congress; and the report was read.

Mr. VARNUM presented the petition of Sarah Jarvis, and others, heirs and representatives of Leonard Jarvis, deceased, praying reimbursement for sundry advances made by the deceased on public account during the Revolutionary war, and the petition was read.

The motion submitted on the 23d instant by Mr. HORSEY was considered and agreed to; and it was referred to the committee who have under consideration so much of the Message of the President of the United States of the 7th instant as relates to Military Affairs; with leave to report thereon by bill or otherwise.

Mr. TAYLOR presented the petition of Joseph Brevard, of South Carolina, praying to be allowed and paid the amount of a final settlement certificate, issued to the petitioner for services as a lieutenant in the North Carolina line of the Revolutionary army; which certificate was accidentally lost; and the petition was read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. TAYLOR, BLEDSOE, and HOWELL, were appointed the committee.

On motion, by Mr. GORE, the petition of the heirs and representatives of Leonard Jarvis, deceased, was referred to the committee last mentioned, to consider and report thereon by bill or otherwise.

WEDNESDAY, December 29.

The PRESIDENT communicated the petition of the town and county of Nantucket, representing their distressed situation from losses sustained by the war, and praying relief; and the petition was read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. ROBINSON, MORROW, and HOWELL, were appointed the committee.

Mr. KING presented the petition of Richard Ward, of the town of New Rochelle, stating that he has obtained, at a very great expense, a ma-

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chine for weaving stockings and stockinets of all descriptions, called the Nottingham warp-loom; and inasmuch as he is not the inventor of said machine, and cannot therefore avail himself of the privileges of the patent laws, he prays a reimbursement of the expenses in obtaining and reward for the use of said loom; and the petition was read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. KING, DANA, and TAIT, were appointed the committee.

The bill to establish a system of navigation for the United States was resumed, and the consideration thereof was postponed.

The motion submitted yesterday by Mr. FROMENTIN was considered, and agreed to.

Mr. GAILLARD, from the committee to whom was referred, on the 9th instant, so much of the Message of the President of the United States as relates to the Naval Affairs, reported, in part, resolutions expressive of the sense of Congress of the gallant conduct of Captain O. H. Perry, the officers, seamen, marines, and infantry acting as such, on board of his squadron; and the resolutions were read.

He also reported, in part, a resolution relative to the brilliant achievements of Lieutenants Burrows and McCall; and the resolution was read.

Ordered, That the resolutions severally pass to the second reading.

The PRESIDENT communicated a report of the Secretary for the Department of War, made conformably to a resolution of the Senate, of the 31st of July, 1813, containing a corrected list of all the officers in the Army of the United States; and the report was read.

THURSDAY, December 30.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the appointment of an additional judge for the Missouri Territory, and for other purposes;" in which bill they request the concurrence of the Senate.

The bill last mentioned was read, and passed to the second reading.

Mr. BIBB, from the committee to whom was referred, on the 9th instant, so much of the Message of the President of the United States as concerns our foreign relations, reported, in part, a bill to prohibit the importation of certain articles therein described; and the bill was read, and passed to the second reading.

The resolutions expressive of the sense of Congress of the gallant conduct of Captain Oliver H. Perry, the officers, seamen, marines, and infantry acting as such, on board of his squadron, were read the second time. On the question, Shall these resolutions be engrossed, and read a third time? it was determined in the affirmative.

The resolutions having been reported by the committee correctly engrossed, were read the third time; and, on motion, by Mr. KING, amended, by consent, by expunging, at the end of the first

resolution, the following words: "commanded by Commodore Barclay." Whereupon,

Resolved, unanimously, That they do pass.

The resolution relative to the brilliant achievement of Lieutenants Burrows and McCall was read the second time. On the question, Shall this resolution be engrossed, and read a third time? it was determined in the affirmative.

The resolution having been reported by the committee correctly engrossed, was read the third time by unanimous consent.

Resolved, unanimously, That this resolution pass.

FRIDAY, December 31.

The PRESIDENT communicated a report of the Commissioner of the General Land Office on the state of the public lands, and the report was read.

The bill, entitled "An act for the appointment of an additional judge for the Missouri Territory, and for other purposes," was read the second time, and, on motion by Mr. BROWN, the consideration thereof was postponed.

The bill to prohibit the importation of certain articles therein described, was read the second time; and, on motion by Mr. BIBB, the further consideration thereof postponed to, and made the order of the day for, Wednesday next.

On motion by Mr. MASON,

Resolved, That the President of the United States be and he is hereby requested to cause to be laid before the Senate a statement of the value of all articles manufactured or composed of wool, or of which wool is the material of chief value; and also the value of all articles manufactured or composed of cotton, or of which cotton is the material of chief value; and also the value of all spirits distilled from the sugar cane, which have been imported into the United States since the year 1804, specifying the amount of the said articles imported in each year.

MONDAY, January 3, 1814.

The PRESIDENT communicated the report of the Secretary for the Department of the Navy, on the expenditure and application of moneys drawn from the Treasury from the 1st of October, 1812, to the 30th of September, 1813, inclusive, made in obedience to the first section of the act passed the third of March, 1800, entitled "An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments;" and the report was read.

The PRESIDENT also communicated a similar report of the Secretary for the Department of War, made in obedience to the first section of the same act; and the report was read.

Mr. SMITH presented the memorial of Isaac McPherson, and others, representing Oliver Evans as acting oppressively under his patent for making and vending to be used, his invention and improvement in the art of manufacturing flour and meal; and offering evidence in support of the

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facts alleged, and praying Congress again to take the subject into consideration and grant relief; and the memorial was read.

On motion, by Mr. WORTHINGTON, the bill, entitled "An act for the appointment of an additional judge for the Missouri Territory," was referred to a select committee, to consider and report thereon; and Messrs. WORTHINGTON, DAGGETT, and BLEDSOE, were appointed the committee.

The Senate resumed the consideration of the resolution submitted on the 17th of December, by Mr. FROMENTIN; and, having agreed thereto, Messrs. FROMENTIN, KING, DANA, TAYLOR, and BIBB, were appointed the committee.

On motion by Mr. GORE,

Resolved, That the President of the United States be requested to cause to be laid before the Senate an account of the quantity of blankets and other woollen goods provided for the Army and Navy during the last year, distinguishing, as far as practicable, such as were of foreign from those of domestic manufacture; also, an estimate of the quantity of the same goods that may be judged necessary for the like purposes for the current year.

On motion, by Mr. HORSEY, a committee was appointed to inquire whether the acts of Congress, relating to the general promulgation of the laws of the United States, require any, and, if any, what amendments, with leave to report by bill or otherwise; and Messrs. HORSEY, MASON, and WORTHINGTON, were appointed the committee.

TUESDAY, January 4.

The PRESIDENT laid before the Senate the report of the Secretary for the Department of the Treasury, enclosing a letter from the Director of the Mint, stating the assays of several species of coins made in pursuance of the act, entitled "An act regulating the currency of foreign coins in the United States," passed April 10, 1806; and the report was read.

Mr. GAILLARD, from the committee to whom was referred the bill, entitled "An act for the relief of Richard Dale," reported it without amendment.

WEDNESDAY, January 5.

Mr. ANDERSON presented the memorial of the President and Directors of the Union Bank of Alexandria, praying a charter of incorporation, for reasons stated at large in the memorial, which was read, and referred to a select committee to consider and report thereon by bill or otherwise; and Messrs. ANDERSON, DAGGETT, and BLEDSOE, were appointed the committee.

The bill, entitled "An act for the relief of Richard Dale," was resumed, read a third time by consent, and passed.

On motion, by Mr. BIBB, the consideration of the bill to prohibit the importation of certain articles therein described, was further postponed to Friday next.

On motion, by Mr. CHACE, the petition of Simon Knight, district paymaster, presented on the 24th of April, 1812, together with the report of the Paymaster General thereon, was referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. CHACE, BROWN, and FROMENTIN, were appointed the committee.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act making certain partial appropriations for the year 1814;" a bill, entitled "An act granting Moses Hook the right of pre-emption;" a bill, entitled "An act for the relief of Daniel Boone;" also, a resolution relative to the brilliant achievement of Captain James Lawrence, in the capture of the British vessel of war the *Peacock*, passed unanimously; in which resolution and bills they request the concurrence of the Senate.

The three bills and resolution brought up for concurrence were read, and passed to the second reading.

On motion, by Mr. CAMPBELL, the bill, entitled "An act making certain partial appropriations for the year 1814," was read the second time by unanimous consent; and referred to the committee appointed on the 9th of December, on so much of the Message of the President of the United States as relates to Military Affairs, to consider and report thereon.

THURSDAY, January 6.

The resolution relative to the brilliant achievement of Captain James Lawrence, in the capture of the British vessel of war the *Peacock*, was read the second time, and considered as in Committee of the Whole; and, sundry amendments having been agreed to, the PRESIDENT reported the resolution to the House amended accordingly.

On the question, Shall it be read a third time as amended? it was determined in the affirmative.

The bill, entitled "An act granting to Moses Hook the right of pre-emption," was read the second time, and referred to a select committee to consider and report thereon; and Messrs. BROWN, KING, and MASON, were appointed the committee.

The bill, entitled "An act for the relief of William Boone," was read the second time, and referred to the committee last mentioned, to consider and report thereon.

On motion, by Mr. SMITH, the petition of Isaac McPherson, and others, presented on the third instant, was referred to a select committee, to consist of five members, to consider and report thereon by bill or otherwise; and Messrs. SMITH, HORSEY, WORTHINGTON, DAGGETT, and BIBB, of Georgia, were appointed the committee.

Mr. CAMPBELL, from the committee to whom was referred the bill, entitled "An act making certain partial appropriations for the year 1814," reported it with amendments, which were considered as in Committee of the Whole, and agreed to; and the PRESIDENT reported the bill to the House accordingly. The bill was then read a third time as amended, and passed.

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Mr. LEIB presented the petition of Catherine Robertson of the city of Philadelphia, representative of Jacob Ritter, her late husband, praying compensation for his services whilst acting as assistant in the quartermaster general's department, and reimbursement of moneys expended by him, by order of the quartermaster general, on public account, during the Revolutionary war; and the petition was read.

The amendments to the resolution relative to the brilliant achievement of Captain James Lawrence, in the capture of the British vessel of war the *Peacock*, having been reported by the committee correctly engrossed, it was read a third time by consent.

Resolved, unanimously, That this resolution pass with amendments.

FRIDAY, January 7.

Mr. GORE presented the petition of Paul Cuffee, of Westport, in the State of Massachusetts, praying the aid of Government in execution of a plan which he hopes may ultimately prove beneficial to his brethren of the African race within their native climate, as is stated at large in the petition; which was read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. GORE, DAGGETT, and HUNTER, were appointed the committee.

Mr. ANDERSON, from the committee to whom the subject was referred, reported a bill to incorporate the subscribers to the stock of the Union Bank of Alexandria; and the bill was read and passed to the second reading.

Mr. GERMAN called up the petition of Isaac Clason, of the city of New York, praying allowance of drawback of certain duties paid on a quantity of sugar imported from the Havana, in the year, 1805, and entered for exportation, although, by unavoidable casualties, he was prevented from compliance with the legal requirements, as is stated at large in the petition; which was read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. GERMAN, LEIB, and CHACE, were appointed the committee.

Mr. LEIB presented the petition of William Stothart and Josiah Starkey, of the city of Philadelphia, merchants and copartners, under the firm of Stothart and Starkey, praying the remission of fines, forfeitures, and penalties incurred under the non-importation laws, for reasons stated in the petition; which was read, and referred to the committee last mentioned, to consider and report thereon by bill or otherwise.

Mr. MORROW presented the petition of the Directors of the Washington Library Company, praying a charter of incorporation, for the reasons assigned in the petition; which was read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. MORROW, LEIB, and KING were appointed the committee.

On motion, by Mr. BIBB, the consideration of the bill to prohibit the importation of certain

articles therein described, was further postponed to Monday next.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

I communicate, for the information of Congress, the report of the Director of the Mint, of the operation of that establishment during the last year.

JAMES MADISON.

JANUARY 6, 1814.

The Message and report therein referred to were read.

The following Message was also received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

I transmit, for the information of Congress, copies of a letter from the British Secretary of State for Foreign Affairs to the Secretary of State, with the answer of the latter.

In appreciating the accepted proposal of the Government of Great Britain, for instituting negotiations for peace, Congress will not fail to keep in mind, that vigorous preparations for carrying on the war can in no respect impede the progress to a favorable result; whilst the relaxation of such preparations, should the wishes of the United States for a speedy restoration of the blessings of peace be disappointed, would necessarily have the most injurious consequences.

JAMES MADISON.

JANUARY 6, 1814.

The Message and letters referred to were read, and five hundred copies thereof ordered to be printed for the use of the Senate.

On motion, by Mr. BIBB,

Ordered, That the Message and letters be referred to the committee who have under consideration so much of the Message of the President of the United States, of the 7th of December, as concerns our Foreign Relations, to consider and report thereon.

MONDAY, January 10.

Mr. GORE, from the committee to whom the subject was referred, reported a bill to authorize the President of the United States to permit the departure of Paul Cuffee from the United States, with a vessel and cargo, for Sierra Leone, in Africa, and to return with a cargo; and the bill was read, and passed to the second reading.

On motion, by Mr. GERMAN, the committee to whom was referred the petition of Stothart and Starkey, on the 8th instant, were discharged from the further consideration thereof, and it was referred to the committee appointed, on the 9th December, on so much of the Message of the President of the United States as concerns our Foreign Relations, to consider and report thereon by bill or otherwise.

The PRESIDENT communicated the memorial of the Legislature of the Indiana Territory, praying Congress to cause the militia that have been called into service for the purpose of protecting the frontiers of said Territory, previous to the

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last Winter, to be immediately paid, as stated at large in the memorial, which was read.

The PRESIDENT also communicated the petition of Alexander Smith, a citizen of Virginia, praying a revision of the act organizing the staff of the Army of the United States, and a declaratory act to preserve his rank as Brigadier General in the line, abolishing only his authority as Inspector General, for reasons stated at large in the petition; which was read, and referred to the Committee on Military Affairs, to consider and report thereon by bill or otherwise.

Mr. GOLDSBOROUGH, from the committee to whom was referred the bill, entitled "An act to authorize the transportation of certain documents free of postage," reported it without amendment; and the further consideration of the bill was postponed.

The PRESIDENT communicated the report of the Secretary for the Department of War, made conformably to the fifth section of of the act of the 3d March, 1809, entitled "An act to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments;" and the report was read.

The PRESIDENT also communicated the report of the Secretary for the Department of Treasury, prepared in obedience to the act supplementary to the act, entitled "An act to establish the Treasury Department;" and the report was read.

Mr. GERMAN, from the committee to whom the subject was referred, reported a bill for the relief of Isaac Clason; and the bill was read, and passed to the second reading.

Mr. KING, from the committee to whom was referred the petition of Richard Ward, reported a bill in addition to the acts concerning patents for useful discoveries and inventions; and the bill was read, and passed to the second reading.

On motion, by Mr. BIBB, of Georgia, the further consideration of the bill to prohibit the importation of certain articles therein described was postponed until to-morrow.

On motion, by Mr. BLEDSOE, a select committee was appointed to inquire into the expediency of making further regulations by law concerning the internal navigation of the waters of the United States, with leave to report by bill or otherwise; and Messrs. BLEDSOE, DANA, and SMITH, were appointed the committee.

Mr. CAMPBELL, from the Committee on Military Affairs, reported a bill authorizing the President of the United States to cause certain regiments therein mentioned to be enlisted for five years, or during the war; and the bill was read, and passed to the second reading.

On motion, by Mr. DANA, the bill concerning evidence in cases of naturalization was referred to a select committee, to consider and report thereon; and Messrs. DANA, TAYLOR, and MASON, were appointed the committee.

On motion, by Mr. DAGGETT, a committee was appointed to inquire into the propriety of making provision by law concerning fees or costs in the Courts of the United States, to report by bill or

otherwise; and Messrs. DAGGETT, BROWN, and GORE, were appointed the committee.

TUESDAY, January 11.

JOHN CONDIT, from the State of New Jersey, attended.

The PRESIDENT communicated the memorial of the Legislature of the Indiana Territory, praying an alteration in certain post routes, as is stated in the memorial; which was read.

The bill in addition to the acts concerning patents for useful discoveries and inventions, was read the second time; and on motion, by Mr. HORSEY, the further consideration thereof was postponed to the first Monday in February next.

The bill authorizing the President of the United States to cause certain regiments, therein mentioned, to be enlisted for the term of five years, or during the war, was read the second time, and considered as in Committee of the Whole; and, having been amended, the PRESIDENT reported it to the House accordingly.

On the question, Shall this bill be engrossed and read a third time as amended? it was determined in the affirmative.

The bill to authorize the President of the United States to permit the departure of Paul Cuffee from the United States, with a vessel and cargo, for Sierra Leone, in Africa, and to return with a cargo, was read the second time; and on motion, by Mr. BIBB, of Georgia, the further consideration thereof was postponed to Monday next.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to amend the seventh section of the act, entitled 'An act to lay and collect a direct tax within the United States;'" in which bill they request the concurrence of the Senate.

The bill last brought up for concurrence was read, and passed to the second reading.

Mr. HUNTER called up the memorial of the New England Mississippi Land Company, praying Congress to take their case into consideration and grant them redress, as is stated at large in the memorial; which was read, and referred to a select committee, to consist of five members, to consider and report thereon by bill or otherwise; and Messrs. HUNTER, TAYLOR, GORE, BRENT, and MASON, were appointed the committee.

The bill for the relief of Isaac Clason was read the second time.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

I transmit to the Senate a report of the acting Secretary of the Treasury, complying with their resolution of the 31st December, 1813.

JAMES MADISON.

JANUARY 10, 1814.

On motion, by Mr. BIBB, of Georgia, the further consideration of the bill to prohibit the importation of certain articles therein described, was postponed until Thursday next.

Mr. BROWN, from the committee to whom was referred the bill, entitled "An act granting to

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Moses Hook the right of pre-emption," reported it without amendment.

Ordered, That it pass to a third reading.

On motion, by Mr. BLEDSOE,

Resolved, That the President of the United States be, and he is hereby, requested to cause to be laid before the Senate, a digest of the information respecting the produce and manufactures of the United States, obtained by the Treasury Department at the time of taking the last census; provided such information shall be in a situation to be conveniently communicated at this time.

WEDNESDAY, January 12.

The bill authorizing the President of the United States to cause certain regiments therein mentioned to be enlisted for the term of five years, or during the war, having been reported by the committee correctly engrossed, was read a third time, and passed.

The bill, entitled "An act to amend the seventh section of the act entitled 'An act to lay and collect a direct tax within the United States,'" was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. WORTHINGTON, FROMENTIN, and CHACE, were appointed the committee.

Mr. WORTHINGTON, from the committee to whom was referred the bill, entitled "An act for the appointment of an additional judge in the Missouri Territory, and for other purposes," reported it with amendments; which were read.

Mr. CAMPBELL, from the Committee on Military Affairs, reported a bill to increase the bounty to be allowed persons who shall enlist in the Army of the United States, and to promote the recruiting service; and the bill was read, and passed to the second reading.

Mr. ROBINSON, from the committee to whom was referred the petition of the inhabitants of the town and county of Nantucket, reported a bill for the purpose of procuring subsistence for the inhabitants of Nantucket, Martha's Vineyard, Block Island, and the adjacent islands thereunto; and the bill was read, and passed to a second reading.

The bill for the relief of Isaac Clason was resumed as in Committee of the Whole; and, no amendment having been proposed, on the question, Shall this bill be engrossed and read a third time? it was determined in the affirmative.

On motion, by Mr. WORTHINGTON, a committee was appointed to inquire into the propriety of increasing by law the salaries of the Clerks and other officers of Congress, with leave to report by bill or otherwise; and Messrs. WORTHINGTON, MASON, and ROBINSON, were appointed the committee.

On motion, by Mr. DAGGETT, a committee was appointed to inquire into the expediency of making further provision by law relative to the jurors to be summoned to attend on the Courts of the United States, to report by bill or otherwise; and Messrs. DAGGETT, BROWN, and MASON, were appointed the committee.

THURSDAY, January 13.

The bill for the relief of Isaac Clason was read a third time, and the blank filled with eighteen thousand nine hundred and sixty-three dollars sixty-eight cents.

Resolved, That this bill pass, and that the title thereof be "An act for the relief of Isaac Clason."

Mr. WORTHINGTON, from the committee appointed on the bill to amend the seventh section of the act, entitled "An act to lay and collect a direct tax within the United States," reported it without amendment, and the bill passed to the third reading.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act for the appointment of an additional judge in the Missouri Territory, and for other purposes," together with the amendments reported thereto by the select committee, and, having adopted the amendments, the PRESIDENT reported the bill to the House accordingly, and it was ordered to be read a third time as amended.

On motion, by Mr. BIBB, that the consideration of the bill to prohibit the importation of certain articles therein described, be postponed until tomorrow—on motion, by Mr. SMITH, it was agreed that it be postponed until Monday next.

The bill for the purpose of procuring subsistence for the inhabitants of Nantucket, Martha's Vineyard, Block Island, and the adjacent islands thereunto, was read a second time, and considered as in Committee of the Whole.

On motion, by Mr. GORE, to strike out, after the word "empowered," all these words: "to give such permission, under such regulations and restrictions as to him may appear proper and necessary, to the inhabitants of the Islands of Nantucket, Martha's Vineyard, Block Island, and the adjacent islands thereunto, for the purpose of procuring subsistence," and insert the following words: "to suspend the provisions of the law, entitled 'An act laying an embargo on all ships and vessels in the ports and harbors of the United States, respecting the coasting trade, so far as relates to all ports and places whose inhabitants may be in want of subsistence or fuel, and permit them, under such restrictions as he may prescribe, to procure the same from any part of the United States:—"

Mr. CAMPBELL called for a division of the question, and it was taken on striking out; and passed in the negative, yeas 10, nays 23, as follows:

YEAS—Messrs. Daggett, Fromentin, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, and Mason.

NAYS—Messrs. Anderson, Bibb of Georgia, Bledsoe, Brent, Brown, Campbell, Chace, Condit, Dana, Gallard, German, Howell, Lacock, Leib, Morrow, Robinson, Smith, Tait, Taylor, Turner, Varnum, Wells, and Worthington.

And the bill having been amended, on motion, by Mr. CHACE, it was recommitted to the original committee, further to consider and report thereon.

Mr. GOLDSBOROUGH presented the memorial of John Teakle, of Virginia, stating, that, in the year

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1808, he agreed with the public agent of the Navy Department for the purchase of timber, to deliver a certain quantity of walnut timber at the Navy Yard in Washington, and that he hath suffered injustice in the settlement of his account, and praying Congress to take his case into consideration and grant him relief, for reasons stated at large in the memorial; which was read, and referred to the Secretary for the Department of the Navy, to consider and report thereon to the Senate.

The bill to increase the bounty to be allowed persons who shall enlist in the Army of the United States, and to promote the recruiting service, was read a second time, considered as in Committee of the Whole, and, after debate, on motion, by Mr. MASON, that the further consideration thereof be postponed to Monday next, it was determined in the negative.

On motion, by Mr. BLEDSOE, the bill was postponed to, and made the order of the day for, tomorrow.

FRIDAY, January 14.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to increase the bounty to be allowed persons who shall enlist in the Army of the United States, and to promote the recruiting service; and, after debate, the further consideration thereof was postponed until tomorrow.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*To the Senate and House of
Representatives of the United States:*

I transmit to Congress an account of the contingent expenses of the Government for the year 1813.

JAMES MADISON.

JANUARY 14, 1814.

SATURDAY, January 15.

The bill to incorporate the subscribers to the stock of the Union Bank of Alexandria was read the second time.

The bill, entitled "An act to amend the seventh section of the act, entitled 'An act to lay and collect a direct tax within the United States,'" was read a third time, and passed.

The amendments to the bill, entitled "An act for the appointment of an additional judge for the Missouri Territory, and for other purposes," was read a third time as amended, and passed.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act making further provision for filling the ranks of the regular Army, encouraging enlistments, and authorizing the re-enlistments, for longer periods, of men whose terms of service are about to expire;" in which bill they request the concurrence of the Senate.

The bill last mentioned was twice read by consent.

Mr. ROBINSON, from the committee to whom was recommitted the bill for the purpose of procuring subsistence for the inhabitants of Nantucket, Martha's Vineyard, Block Island, and the

adjacent islands thereto, reported it with amendments.

The Senate resumed, as in Committee of the Whole, the bill to increase the bounty to be allowed persons who shall enlist in the Army of the United States, and to promote the recruiting service; and, after debate, the further consideration thereof was postponed to Monday next.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

I transmit to the Senate a report of the acting Secretary of the Treasury, complying with their resolution of the 11th instant.

JAMES MADISON.

JANUARY 15, 1814.

MONDAY, January 17.

On motion, by Mr. ROBINSON, the Senate resumed, as in Committee of the Whole, the consideration of the bill for the purpose of procuring subsistence for the inhabitants of Nantucket, Martha's Vineyard, Block Island, and the adjacent islands thereto, together with the amendments reported by the select committee; and, having agreed to the amendments, and further amended the bill, the PRESIDENT reported it to the House accordingly.

On the question, Shall this bill be engrossed and read a third time as amended? it was determined in the affirmative, yeas 18, nays 10, as follows:

YEAS—Messrs. Anderson, Brent, Brown, Campbell, Clance, Condit, German, Howell, Lacock, Leib, Morrow, Robinson, Smith, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS—Messrs. Bibb of Georgia, Daggett, Fromentin, Goldsborough, Gore, Hunter, King, Lambert, Mason, and Wells.

BOUNTY FOR ENLISTMENT.

The Senate, resumed, as in Committee of the Whole, the consideration of the bill to increase the bounty to be allowed persons who shall enlist in the Army of the United States, and to promote the recruiting service.

Mr. GOLDSBOROUGH rose, and addressed the Chair as follows:

Mr. President—I would with pleasure obey the admonition of the honorable Senator from Georgia, (Mr. BIBB,) who has just taken his seat, if, after the bold discussion which this subject has undergone, I did not feel myself imperiously called on to justify the vote I shall give. His admonition comes too late; we have progressed beyond the point of return, and we stand pledged in the view of the nation to answer for our conduct.

The great latitude of remark which has been indulged in, and which the subject is so well calculated to suggest, must be my apology for any departure that I may make from the immediate point before us. I am fully aware of the wearied feelings of the Senate on this subject, which has been long under discussion, and I will relieve them as far as I can, by the assurance, that I shall confine myself to only one or two of the

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most prominent topics, in the remarks which I shall have the honor to make.

When my honorable friend from Rhode Island, (Mr. HUNTER,) in his eloquent observations on this point a few days ago, insisted upon a want of coincidence between the bill upon your table and the Presidential Message, a copy of a letter was introduced by the honorable Chairman of the Military Committee, (Mr. G. W. CAMPBELL,) which *we were told* was to be considered as an official document, containing in itself the sentiments and opinions of the President, and transmitted authentically by him through the head of the War Department to the Chairman of the Military Committee of the House of Representatives. Under this assurance, this letter then becomes an important document, and relying upon the manner in which it is presented to us, I shall treat it with all that deference and respect which a paper of such high descent is so eminently entitled to.

This letter, sir, is written upon the subject of the recruiting service, and recommends two plans to be pursued to procure soldiers, either of which, in the opinion of the Administration, might be well adopted by the committee. The first of these plans is a classification of the militia, compelling each class to furnish a soldier during the war—which is no more nor less than a perfect and actual conscription—and a preference for this mode is expressed in the letter. The second plan is, to recruit soldiers by voluntary enlistments, by tempting them with very high bounties; and the last is the mode adopted by the committee in the bill before us. And here, sir, I take occasion to thank that honorable committee for the fortunate selection they have made from the two alternatives submitted to them. For, objectionable as I consider the plan before us, in consequence of the exorbitancy of the bounty, yet the rights of the citizens are not infringed by it—the freedom of the country is not endangered. But, if that hideous system of conscription had been resorted to, the result would have been fatal; and the germ of despotism thus planted in our land would soon have eradicated every fibre of our liberties.

If we contrast the bounty proposed to be given by this bill, with that which has formerly been given, we shall be astonished at the great disparity between them. Hitherto the men enlisted, for five years or during the war, have had sixteen dollars bounty and one hundred and sixty acres of land. Those who enlisted for twelve or eighteen months, had the sixteen dollars without the land—and the last year an act of Congress gave those who enlisted for five years, or during the war, the increased advantage of three months pay in advance, which amounted to twenty-four dollars in addition to the former sixteen. If we extend our view further, the contrast will be more striking. In Great Britain, the country of our enemy, the usual bounty is about a guinea a man, and on the continent of Europe it does not exceed two dollars; whilst we are giving from one hundred to one hundred and twenty dollars boun-

ty, eight dollars extra fee, and a total exemption from militia duty to any one who will procure a recruit; with from one hundred and sixty to three hundred and twenty acres of land at the end of the service. What nation can stand under such extravagance as this? What country can possibly carry on an efficient warfare for any time upon such terms?

If, sir, it could have been thought safe to have intrusted the Senate of the United States with specific statements, distinguishing what forces were necessary for defence, what for the navy, and what for the conquest of Canada, much money might have been saved to the nation, and much time and anxiety to this House. For the two first objects, no increase of bounty would have been necessary. On the subject of defence there is but one sentiment in this Senate, or in the nation. Whatever may be our opinion of the war, however disastrously and unwisely we may have been led into it, we are always ready to defend our country at every hazard; for this object we are prepared to pledge the wealth and strength of the nation. And as for the navy, sir, that last surviving shoot from the ancient stock, the venerated relic of better days, that has defied the blasts of political revolution, we will nurture it with a kinsman's love, and with a father's pride. Handed down to us from those whose principles we cherish, we will always show towards it a munificence correspondent to its glory. But as for the conquest of Canada, I will not hazard a prediction what bounty may be necessary to raise an army sufficient for that object; nor am I to be considered as one of those gentlemen who have protruded their advice to the Administration to withdraw their troops from that country. The advice would be unnecessary, even if it was given; as I believe, sir, you have not a man beyond the lines at this time. Opposed as I am to this war, upon every consideration blended with the prosperity of the nation, I shall certainly not intermeddle with its destination. It is enough for me to be prepared, at all times, for effectual and ample defence, to sustain my opinions against the policy and prospects of this war, and to leave the responsibility of conducting it upon those who have so ardently and so manfully shouldered it.

But, sir, there is a consideration which may not be altogether unworthy of attention; how far this extravagant use of the public money in raising an army may have a prejudicial effect upon your navy. If we give this enormous bounty for the land service, will it not be just, as well as necessary, to give a corresponding bounty for the sea service? Or will you exalt the one and depress the other? Will you depress that service which, when the honor of the nation languished on the shore, bore it in triumph o'er the main, unsullied by reproach, and on which you must ultimately depend, when a better policy bears sway, efficiently to contend with every foreign foe? I hope not, sir. If you should increase the bounty now contemplated it will be irrevocably fixed; you can never diminish it; you can never expect again to enlist another soldier for a less premium. You

will then, sir, have the further difficulty of adjusting so prodigal an expenditure of the public money, to the necessities of a Treasury filled exclusively by loans and taxes. I well remember the sentiment of the honorable gentleman from Kentucky, (Mr. BLEDSOE,) who said that, when the national rights were in contest, he would not count the cost. Sir, I honor the feelings that dictate such a sentiment, and the only reply I can make to it is, that statesmen must calculate as well as feel.

The honorable chairman of the committee (Mr. G. W. CAMPBELL) has attempted to prove an inconsistency in those who, professing to advocate the war, refuse to grant means to carry it on. He was right, sir; the inconsistency is as great and as glaring, as if those who are opposed to the war in principle should endeavor to perpetuate it. For my own part, I have always been opposed to it from a sense of duty to the best interests of my country, and, for this reason, I voted against the taxes of the former session. But, sir, a maxim has been laid down which is calculated to mislead the public opinion, to wit: "That being now actually engaged in war, all persons should join in it to carry it on." This position is founded in error, and leads to consequences destructive to public liberty and personal rights. Can it be supposed that we, who have opposed this war from the beginning, as wrong in conception, wrong in progress, ruinous in its tendency, and incompetent to its object, can give it our support? Can it be expected that we shall approve, by our votes, what our best judgment most honestly condemns? This would be faithless to our duty, and treacherous to those who have confided in us.

Besides, sir, you do not want our aid; it is not necessary for a single purpose towards this war. The President himself is the father and patron of this war; he has had, from its commencement, a large majority in both Houses of Congress who have agreed with him in opinion, and who have been disposed to favor his views. If, then, it was proper that the war should have been vigorously waged, I demand why has not this been done? Why has he not come forward with the boldness of a statesman, and the frankness of a soldier, and told you what was necessary for his purpose? The friends of the war have had, and still have, all power in the nation; all the resources of the country are at their command and subject to their control. If, sir, it was proper to declare this war, it was proper to carry it on with energy and with vigor; and if the President thought that the honor and the welfare of the country required the war, he should have breasted the shock, and staked his crown and sceptre upon the issue. If he has not done so, he has flinched from his duty, and the dishonor must attach where the power existed, and where the exercise of that power has been abandoned. This call, then, upon the opposition for their co-operation, however intended, can only be considered as working a diversion of popular attention. You do not require their aid to enable you to command the national resources, and if you cannot withstand their re-

monstrance, your cause is not good. Put the case, then, ingenuously to the nation. If you mean war, draw forth the necessary means for your purpose, and revive the drooping glory of the country. If you carry us well through, and obtain the avowed object you aim at, we will hail you as our deliverer, and the honors and the affections of the nation shall be your reward. But if you shrink from this duty, we shall prove you to have been recreant; and if you fail in or stop short of your project, you must expect to meet the indignation of the people.

But, sir, this position, "that all are bound to support the war because it is declared," is a doctrine teeming with mischief; it is a doctrine behind which a corrupt Administration (whenever such a one shall exist) will entrench itself and defy your utmost efforts. When an Administration shall be crumbling into ruins by its own corruption, you say to it, bring about a declaration of war by any means, and you are secure. Thus the tottering edifice is saved from the tempest of public opinion, and the worst of crimes finds shelter in the production of the greatest national calamities. Besides, sir, this call upon the Opposition is to demand a surrender of their rights; it has an ungenerous influence to stifle the freedom of debate. Possessed of no power and no control in the national affairs, we have nothing left us but the freedom of opinion and the right of utterance; and believe me, sir, we are little known if it can be supposed that we will surrender, in our own persons, those dearest rights of citizens; those noblest privileges of the Constitution.

But, sir, indulge me with asking gentlemen what event has taken place in the progress of this war that is calculated to change our opinions or to conciliate our favor? Thousands of lives have been sacrificed, thousands of your citizens have been made captives; nearly one hundred millions of dollars have been expended, about forty millions of which is a new public debt, to which we are now called on to add thirty millions more by loans for the current year. The temporary hold you had in Canada has been wrested from you; you have been driven and pursued within your own lines, while conflagration and carnage have marked the progress of the enemy. The descent upon Montreal—that mighty project—concentrating in itself all the talents, and energy, and skill, of the Administration, has proved an abortion, and we now dread the arrival of every mail, lest it may bring the unwelcome tidings of the capture of our armies, or the destruction of our Lake fleet. Is there anything in all this, sir, to attach us to the war; to make us approve its utility; to render us partial to its progress? Are we still to be called on to vote armies and to give hundreds of dollars for men to be tomahawked by Indians, and no inquiries made into the causes of our disasters, no account taken of these dreadful calamities? It is truly an unpleasant task to trace the alarming secret, yet trace it when you will, you will find it no partial defect. Sir, you commenced wrong

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at first. Instead of having a grand army organized, military stores and magazines prepared, the most important points of your country fortified, and your Treasury ample for your purpose, you plunged into the war without a soldier, a dollar, or a General. Defeat and disaster followed of course, and, in a moment of desperation, when one portion of your citizens are disgusted with the war, another portion dismayed by your defeats, and all humiliated with mortification, you are induced to offer exorbitant bounties for recruits to fill up ranks that never were filled before, and to supply the places of those who have fallen the wretched victims to your improvidence and rashness.

The honorable chairman (Mr. G. W. CAMPBELL) has ascribed the origin of this war to the Opposition, alleging that Great Britain has always excited divisions among her enemies, and that she has spoken of her friends here. Were it not, sir, for the usual accuracy of that honorable gentleman, I should have been led to believe that he had taken a French maxim for a British custom. To *divide and conquer* is a French doctrine, on which they have always practised, and, since the war of the late Revolution, with no inconsiderable success. How far Great Britain may be disposed to adopt a similar plan I cannot determine.

When the gentleman talks of the British Minister speaking of his friends here, I presume he alludes to that celebrated letter of Mr. Russell, in which my Lord Castlereagh is made to mention, "our friends in Congress," and Mr. Russell to stare. Before I can admit this document in evidence, I will sketch its origin and progress as handed down to us. This letter purports to bear date in London, on the 17th of September, 1812, and was presented by Mr. Russell himself, in Washington, to the Secretary of State, on the 16th of November following, accompanied by a note having reference to another letter in London, two days after, the 19th of September, in the postscript of which, mention is said to have been made of this letter, but which postscript was not to be found in the letter, it being stated to have been omitted for want of sufficient time. This letter, then, although written on the 17th of September, was omitted to be sent with the letter of the 19th following, but is said to have been mentioned in its postscript; which postscript has no existence. It was also neglected to be sent with another letter of subsequent date, the 7th of November, from the Narrows, near New York. Now, sir, although I have good authority to believe that a letter something like the one of September the 17th, was seen on the post road near Havrede-Grace, in possession of Mr. Russell, when on his way to Washington; yet, from the slow progress of this letter to its destination, seeing that those of subsequent dates had been forwarded and received, I hope I shall not be accused of a strained or uncharitable construction, if I infer that its exquisite touches and fashion were reserved to be finished here. These circumstances maturely weighed and taken into consideration,

with the lapse of the intervening time, impair my faith in the accuracy of the recital of the conversation it purposes to give, and I must, on this ground, except to the testimony adduced in support of the position; and will leave Mr. Russell to adjust the delicate point of diplomacy yet unsettled between himself and his Excellency the Duke of Bassano.

The honorable gentleman from Tennessee has also said impressments, and not the Orders in Council, were the chief causes of war. So far as this may be considered the influence that operated upon the gentleman's own mind, I am willing to take his opinions from his own lips; but so far as this may be considered the sentiment of the Administration, I can turn to documents now in the Senate to prove that the reverse is the fact, viz: That the Orders were considered, not only the chief cause of contest with Great Britain, but that the subject of impressment was totally disregarded, untouched, and unthought of. I refer you, sir, to the negotiation with Mr. Erskine, in 1809, in which the Orders in Council and our interdictory laws constituted the sole questions of adjustment; and when a state of amity and friendly intercourse was agreed on, by our Administration and the British Minister, without ever mentioning one single word upon the subject of impressment. This goes, then, incontestably to prove that the affair of impressment was not estimated by the present Administration as an obstacle at all to a good understanding between the two countries; much less can it now be relied on by them as the exclusive ground of war.

I can never sufficiently deplore the first great error which was committed in declining to close our misunderstandings with Great Britain by the rejection of the Treaty of 1806. The letter which was read to you yesterday by the honorable gentleman from Virginia (Mr. BRENN) on another occasion, written by the present Secretary of State to this Government, illustrating his views and convictions on the Treaty of 1806, revived the subject in my mind. When I reflect, sir, upon the soundness of the argument, and the able, as well as ample exposition there made use of to recommend that treaty, I have always been astonished how it could have been rejected. Still greater was my surprise to find that, after such grounds of compromise could be attained, we should be plunged into a war. And most of all, sir, that the author of that letter should be numbered amongst the most strenuous advocates and abettors of that war.

There are few persons who have greater reason to deprecate the present state of things than myself. Exclusive of that love of country which we all feel, there are other reasons which produce no ordinary degree of sensation in my mind. The country from which I come is one of the most exposed and defenceless parts of the Union, and has already suffered much from the destructive ravages of the enemy. During the first season they took possession of a large section of our territory, and made incursions with a powerful force

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into other parts. Incapable of successful resistance, with our own means, against such an invasion, we had before stated our helpless condition, and supplicated the aid of the General Government. This was denied us, and, as if our sufferings were not sufficient, we were sarcastically told, in reply to our petition, that we could not obtain any aid because we were exposed at so many points. Thus abandoned to our fate, we summoned up our little forces, though weak in arms, yet strong in valor, and resolved in the last resort to hazard everything in defence of our families and homes. Fortunately the contest did not come on. Sir, I wish I had the means of recommending the unfortunate situation of my fellow-citizens to the protecting care of their Government. I wish I could make known the necessity in a strain that would command relief. Sir, these people desire better things—they are a native population, growing out of the soil they inhabit; consisting chiefly of agriculturists and mechanics, who are devoted to their Government and country. Bearing in common with their brethren the burden of society, they consider themselves entitled to a fair participation in its benefits—they ask no more, and this they have a just right to claim, under the sanction of that Constitution which orders a provision for “the common defence and general welfare.” When to these reflections I add, sir, the anticipation of that horrid and bloody system of retaliation which is threatened to be executed, and remember that the land that is inhabited by my friends, and relations and neighbors, from its exposed situation, will be a ready theatre for the exhibition of this tragic scene, I am filled with forebodings to which I can give no utterance, and am left to the distressing anticipation that upon the approaching season my native country may become an extended plain of ashes slaked with human blood.

But, sir, I will desist—and if I have been betrayed into any excess of feeling by the events to which I have alluded, I hope I shall be pardoned in the consideration of the deep interest I have in them.

Mr. WELLS rose and addressed the Chair, as follows:

Mr. President, the bill before us is for filling up the present establishment of the army; and proposes to effect this purpose, by giving a very extraordinary bounty to each recruit hereafter entering the service.

I am at a loss to determine by what rule any of the bounties, which have been talked of upon this occasion, have been governed. None of them bear any reasonable proportion to the sum allowed at present by law. The bounty established by law is only sixteen dollars. Nominally it is more; but the excess is only an advance of pay. The proposed bounties go still farther beyond what is usually allowed for this purpose in other countries.

A bounty in land is liable, in my mind, to two objections. It will create a fund for speculation; and, taking up a good deal of the labor of the

country, will transfer a larger part of it, at the conclusion of the war, to the Western States. At the end of the war, I could wish to see our laborers, who are temporarily detached from us, returned to the districts from which they were drawn. And besides, if the object be simply to fill up the army, and is unconnected, as I am bound to presume it is, with any favorite local policies, which can only be promoted at the expense of particular interests, the surest way to obtain your soldiers is to pay them down at once the bounty they are to have. You would get their service, in this way, at a fairer and cheaper rate to the public than in any other.

I do not mean, however, to say, when I am objecting to the enormity of the proposed gratuities, that some increase of the present established bounty is not necessary. A state of things, in this country, is brought about, which ought to have been within the foresight of those who precipitated us into this war. It is certainly true, as has been well observed, that a population thinly spread over a great expanse of country, accustomed to convenient interchanges by water, requiring but little labor to transport its heaviest products, is suddenly obliged to transfer this operation to land conveyance; which, of course, has absorbed, if I may be allowed the term, much of the labor of the country. It is equally true, that the almost total exclusion of foreign merchandise from our markets, by occasioning an extensive demand for our own manufactures, has produced an additional absorption of labor. From the remaining stock of labor the supplies for your army are to be drawn after the other concerns of this country are provided for.

That by these competitions the difficulty of enlisting your army is, in no small degree increased, I am willing to admit. But I am far from being prepared to say, that the inefficiency of this country for war is such as to justify the prescription of such bounties as are now proposed to be given. Much, however, perhaps everything material in relation to this subject of bounty, depends upon the kind of war you wage. It is the first inquiry, sir, the recruit will make of you—and, according to the answer you give him, will be the price he will ask you—“Am I to march to Canada?” If you tell him that there the service is to be performed which you require of him, if he does not turn his heel upon you, he will ask you fully the price now proposed to be given to him. But ask him what bounty he will take to fight for his parents, for his sisters, for his wife, and his children—to meet the invading foe, and repel him from his country; talk to him in this way, make an appeal of this kind to him, and he will be yours without very high bribing.

No, sir, it is not for this kind of war your soldier is to be enlisted. Not his own, but a foreign country is to be the theatre of his glory. Canada is to be that theatre. There the war is to be waged by us, and not here. The bounty proves it. The price you offer shows what you want. If we establish then this bounty, we do virtually approve of, we do advise the war in Canada. I

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cannot approve of that war; I cannot advise its prosecution there. I, therefore, cannot vote for these bounties.

Our right to inquire into, or in any shape interfere with, the application of the public force, has been questioned. It seems to be considered as our province only to prepare the power, and the President's to apply it; and that we are bound to give nerve and vigor to his arm, let it fall where it may.

The provision in the Constitution which, in a wise and wholesome spirit of caution and distrust, limits to a period of two years the power over appropriations for the support of armies, anticipates, among other things, the fluctuation of public opinion, which may place in either House of the National Legislature a majority of members opposed to the further prosecution of an existing war. I think I am warranted in saying that a sound construction of this provision, taken in connexion with other parts of the Constitution, equally with the nature and genius of our Government, will justify the withholding of supplies for military purposes, where either the continuance of the war itself, or the direction in which it is moving, is disapproved of by those who are called upon to vote for those supplies. To me it is clear that we have a volition upon this point; that we are now authorized to make this inquiry, and are competent to proportioning our supplies of men and money to the objects which we think ought to be those of the war, in the present juncture of our affairs.

We have been pleasantly told that we are imitating the example of the foolish man who stole his own oats from his own horse. No, sir; are we rather not like the prudent master, who is giving to his horse as much, and no more oats than are proper for him to have? This salutary caution and distrust, resulting from the known fallibility of our nature, compose the very basis upon which our Government rests. It is a Government of checks; and the power to give, implying the power to withhold, is one of them.

What is the state of the case upon which we are called to act? We are engaged in war, and, being in war, it is insisted that it is the duty of the minority to support the war. For one, sir, I am free to say that I am willing to vote for what I consider the proper, and, in our present situation, the only efficient support of this war.

I may be allowed to observe, with my honorable friend near me, that I by no means *love* this war. I think we have been very unfortunately, and very unnecessarily, precipitated into it. But we are in war; and if I can agree with gentlemen in what is the proper support of it, they shall have my vote for any amount of money, and any number of men.

The case, perhaps, does not now exist, where it would be proper and necessary to withhold supplies altogether to oblige the President to make peace. The late and important change in the affairs of Europe; the disasters which have befallen us in this war; the consequences which are daily and hourly developing themselves, of

hurrying into hostilities without due preparation to sustain them; these, and numerous other important considerations must, at this season, weigh conclusively with the President in favor of peace. I am obliged, therefore, to believe that he is now desirous—sincerely desirous—of getting us as speedily as possible out of the unhappy war, into which he has so recently advised us to enter.

It is, to be sure, no war of ours. We advised, we cautioned, we conjured gentlemen not to enter into it. We entreated them not to precipitate themselves into these difficulties. We begged them to pause but a few months. They were told, again and again, if the Orders in Council are the causes of war, wait only a little moment, and they will be removed out of your way. Your restrictive measures, in which the country has been so long persuaded to acquiesce, if you will have but a little patience, will insure to your predictions the triumph of appearing to have effected the object to which they were professed to have been adopted. No, sir, nothing that could render this war worse than useless for its avowed objects, could arrest its headlong course. It had scarcely been declared, when its folly, and the provident foresight of those who had opposed its adoption, became apparent to the people. It was soon seen that there had been, if I may be allowed the figure, a well-contested race between the declaration of war, on the one hand, and the repeal of the Orders in Council, on the other. The war distanced the orders by a few days.

Now, sir, we are told, that although the Orders in Council are repealed, they are not the only causes of war. Until the main cause of the war was entirely removed, we never heard the subjects which have been lately clustered together as auxiliary causes of war, insisted upon as sufficient to justify a resort to war. They were never placed, that I remember, by any department of our Government, in that light before the people. They were not considered as such by Congress; nor did the President, until recently, regard them as being of that character. In the arrangement he made with Mr. Erskine, the subject of impressment is not mentioned. Our laws have been considered as referring exclusively to the Orders in Council as the cause which had interrupted the good understanding between the two countries; and make their annulment sufficient for the restoration of that good understanding. In the treaty negotiated with Great Britain, by Messrs. Monroe and Pinkney, no notice is taken of the subject of impressment. It was left under the control of an informal arrangement; manifesting, as those gentlemen believed, a sincere disposition, and real determination, on the part of the British Government, to prevent our having any future cause of complaint on that head.

We are then virtually at war, without any cause of war. That this may, with great truth, be said to be the real state of the case, I think any of the honest yeomen of this country whom we meet on the road, could easily convince us. They do not know for what we are at war.

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So that instead of a cause of war, to the people plain, open, evident and palpable, we resort to ingenuity and sophistry for colorings, for mere pretences of war.

Yet still the question presses us. We are at war. Shall we submit—shall we let the enemy injure us, and we not annoy him? No, sir, not so. To my mind, our cause is a clear one.

The cause for which you went to war is removed. You are about negotiating peace. Act then, in the interim, upon the *defensive*, and not upon the *offensive*. Shove aside the project of invading Canada. Avow your present object to be the defence of your own country; and until you have provided effectual defence, you will not renew the war of invasion. Let this be your policy, and I will agree with gentlemen, that the people will have cause to complain of us, if we refuse you our votes for either money or men.

What will you do with Canada, if you succeed in its conquest? I have heard it, at one time said, that we were to take it, to have it in hand to exchange for New York. To my mind, the plainer and more obvious course is, to provide for the effectual defence of New York—as well as to take care of our other cities;—in fact, to defend what we have already got, before we attempt to annoy what belongs to the enemy.

But is this really the plan? Is all this parade of war for the conquest of Canada, only that it may be afterwards quietly given up again? Is it for an object of this sort, that this monstrous bounty is to be paid? Is it for this we are mortgaging our resources—that we are running into debt faster, in proportion to our means, than any nation on the face of the earth ever did before us? Is it for this, all our favorite plans of economy are thrown aside? Is it for this we are leaving our own country defenceless at home? Are we making sacrifices of this kind, in the fruitless endeavor to obtain our object, which we have predetermined to relinquish, almost as soon as we have attained it?

Perhaps, having got Canada, I may be told that it is intended to hold it—that we are not making this effort for nothing; that, if we conquer that country, it is permanently to change masters. If this be the plan, it may be of some service to inquire what effect our policy thus disclosed will have upon the negotiation into which we are about to enter.

Peace we all profess to have in view. Will this sort of war promote that object? Without preparation of any kind we have hurried into war with an enemy fully equipped and ready to meet us. We are unable to escape the natural consequences of heedless, headlong policy. Disaster and disgrace attend its footsteps. Yet still we persevere in our original scheme. Canada is still the fond object of our wishes. Foiled in our first and second efforts, we are straining every nerve to be more successful in the next. Sir, even those who are only fitted for the rank and file of our army feel that we are wrong. We ourselves are conscious of their reluctance to the service; and we are preparing excitements for

their cupidity, which shall overcome their sense of justice and love of country.

Will this course incline our enemy to peace? She is our neighbor by land. She has important fisheries near us. Her West Indian colonies are not far from us. We are a young and thriving people. Our extent of country is immense. Our population is rapidly increasing. Our agricultural, our commercial, and our manufacturing interests are magnifying themselves beyond all precedent. These resources allowed time, in their own way, to unfold and spread themselves, will, before many years, make us a great and powerful nation. With an increasing ability to do harm or good, will it stand us instead to make other nations believe that we are about to surrender ourselves up to the lust of foreign conquest? Has not our enemy already too much reason to apprehend, while we are endeavoring to grasp with one hand the territories to the North of us, that the other is itching to seize those to the South?

Will it be wise in us to afford her cause for apprehending that we are entertaining a gigantic policy—that we are yielding to a colossal covetousness, which invites us to look to the Pacific ocean for our Western boundary, and to the Isthmus of Darien for the centre of our empire?

If such should be the estimate of our ambition by our enemy, will he be inclined to listen to peace? Will he not rather be disposed to improve the opportunity our improvidence has afforded him? He has caught us at fault. He is prepared for the war, and we are not. We ourselves do not want to lose the present moment. We are to seize Canada, and we mean, as some have urged, to hold it for the peace and security of our frontiers. While we are indulging ourselves in ambitious schemes of this kind, it would be well for us to remember that it is quite possible our enemy may think it for his interest, that he may deem it essential for the safety of his important possessions, and those of his allies in our neighborhood, to improve this war, to the wasting of our resources for mischief to himself and others. He may resolve to annihilate our commerce, to destroy our fisheries, lay waste our seacoast, and encumber us with an immense debt. And all this will cost him not much effort or expense to accomplish. Our safety, we say, requires him to yield up some of his possessions. His safety, he may think, requires us on our part to submit to still greater sacrifices. The retaliating policy which has been lately developing itself, means more, I fear, than meets the eye. It is much to be apprehended that it has its strongest root in this national jealousy, and anticipates results not unlike some of those that are here referred to.

Change then, without delay, the nature of this war. Abandon the project upon Canada. Her inhabitants are our neighbors—our friends—our relations. It is an unnatural war, and most unnaturally has it been waged. All the success there we hoped for, had it been ours, would have been insufficient to remove from our national character a stain which a single, unhappy, cruel

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event of that war has brought upon it. What our enemy has done to us of this kind, instead of enkindling in our bosoms an ardent, honest indignation, must henceforth serve only to bring us to the recollection of our own shame and dishonor.

It is here I differ with the friends of this Canadian war. Let the public force be applied to the real maintenance of the public interest, and my vote shall not attempt to weaken it. Far, very far, is it from being, in my poor humble judgment, a proper and justifiable direction of the public force, which leaves our own country without defence—more especially at a moment like this, when the enemy, possessed of ample means, seems meditating against us a war of extermination.

Honorable gentlemen inquire of us what sort of war is this, that is to be a war of defence only, and not a war of offence? An inversion of the argument, sir, would be its proper answer. We therefore ask, on our part, what sort of a war is this, which is to be a war of offence, and not of defence? Is it not a fact, that the war, on our part, has assumed this complexion? It is, indeed, a war of offence only nominally, except against ourselves; and much as we need defence, it is no war of defence. It makes vain and fruitless efforts to annoy our enemy abroad, and leaves us at home undefended—unprotected—at his mercy.

The course we contend for is a different one. We desire to see the defence of the country, in the first place, provided for to the utmost of our means. Let us station our soldiers at central points, from which they can easily be marched to the places of attack, in aid of the militia. Let us distribute muskets and all necessary equipments, and ammunition, to the militia. Let us strengthen the defences of our large and opulent cities. Let us build vessels for the protection of our rivers; and let us set ourselves in earnest about the foundation of a navy, such as this country ought to have, and is amply able to maintain. Let some of the countless millions of expense be set aside for these purposes, and not all thrown away upon wild projects of foreign conquest. Let not the blood of our soldiers be shed merely to crimson the snows of Canada. If it must flow, let it flow freely, with that of our own, in defence of what is worth its price—our altars and our firesides. We envy not our neighbors their possessions; we are content with our own homes, and deem them well worthy of being defended.

It is, indeed, Mr. President, high time for us to be thinking of this first and most important application of the public force. We owe it to no exertions of our own, that our homes are not at this moment the scenes of violation. Fortunately for us, nature has stepped in to our succor. Winter fights upon our side, and holds over us her impenetrable shield. The revolution of the seasons will soon detach from us this potent ally, when we must depend for our defence upon our own efforts.

Sir, is it at this moment within the power of this young nation, suddenly and unpreparedly

thrust into war with such a foe as Britain, to defend itself effectually at home, and to carry on, at the same time, extensive military operations abroad? That there is too much occasion for making this inquiry, I think, is demonstrated by the events of the two last campaigns—by the declarations and conduct of the Government itself, in respect to the defence of our States—by the existing condition of the army—and by the anticipated difficulties of filling it up. There is left us, then, only the choice of two alternatives—an offensive or a defensive war. We who live on the seaboard had flattered ourselves that the twelve-months men were designed to act in our defence. The State from which I come furnished her quota of that force, in the fullest confidence that it was to co-operate with her militia to repel invasions. She has since seen those men marched away, and some of them, I am told, in chains, destined for foreign service.

In the course of debate, upon this occasion, reference has been made to party spirit, and to the divisions which exist among the people in relation to this war. It has been said that the enemy relies upon these divisions for weakening and paralyzing our exertions.

Sir, it would have been well for us, if, before we precipitated ourselves into this war, we had sufficiently reflected upon the nature of our Government, and had been perfectly assured that public opinion would for any length of time bear us out, and support us in the dreadful appeal we were about to make. The difficulty of successfully prosecuting the military operations in a free Government, where the right to think and the right to express opinions in respect to public men and public measures have been expressly retained by the people, as two of their most inestimable privileges, affords to humanity the best and strongest security that war will not be by such Governments wantonly waged, or unnecessarily persevered in. Gentlemen should remember, besides, that it has been precisely to the same principles of freedom, preserved to the people of Great Britain by their Government, that all the measures of our restrictive policy have professed to address themselves. These principles are as closely inherent in their Government as in ours; and whenever the people of either country become adverse to an existing war, there must be an end of it.

If even those of us who are opposed to this war were to acquiesce, in silent submission, to the measures of the Administration; if our lips were sealed; if we suffered, amidst all the evils of this war, not a murmur nor a complaint to escape us; still our enemy would make the same calculation upon the progress of public opinion that she now does. She is sufficiently acquainted with the state of things here—with our pursuits and our habits and our resources—to anticipate without much difficulty, and without any commentaries of ours, the natural progress of this war, and its unavoidable operation upon our best and most important interests. She knows what France has inflicted upon this country, and the indignant sense which the mind of every honest American

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entertains of the outrages she has committed against us. Ignorant, indeed, must she be of the true character of the people of this country, if she believes it would long afford them satisfaction to array themselves, with the French Emperor, against the liberties of the world. Such, indeed, virtually, is the effect—I will not say the object—of our hostilities with Britain.

A remark which fell from my honorable friend near me, in respect to Great Britain, has given rise to a pretty sharp philippic against the Government of that country; which has been represented as occasioning the overthrow and destruction of every ally with whom it has been connected. Among other instances, we have been reminded of the ravages and massacres in Scotland. I do not know, sir, that glowing descriptions of this kind, considering the high authority from which they proceed, are much calculated, just at this moment, to facilitate to us the attainment of peace. They are unfortunate, too, in another respect. They are too well adapted to make pass in review before us, what has lately befallen our own character, in the progress of our armies in Canada. When we were referred to Scotland particularly, as the theatre of British perfidy and inhumanity, it brought to my recollection the account given in history of the ravages and massacre in the valley of Glencoe; certainly one of the most flagrant and atrocious of the wrongs committed by Britain on that country. Let us, for a moment, if we can venture to do so, turn our eyes to the points of resemblance between that horrid and barbarous transaction, which took place many years back, and what has happened, in the course of the present Winter, in Canada. Into the valley of Glencoe, the residence of a Scottish chieftain, of the name of McDonald, and his numerous clan, the British troops entered, they said, as friends to its inhabitants. So did ours into Canada. It was midnight, and its peaceful tenants wrapped in sleep, when the work of destruction commenced at Glencoe. The same at Newark. It was in the depth of winter, and the ground covered with snow. Just so at Newark. The British officer had orders in his pocket for what he did. Our officer says he had orders for what he did. The British Government disavowed the authority. So, I am bound to presume in this case, does ours. The British officer was not punished. The American officer is not punished.

It would have been a wise course in us, sir, if, instead of following the bad examples of our enemy, we had profited by his good examples. Whatever have been the faults of Britain—even if we should think that the very evils which humanity has suffered for many years past, have eventuated from that folly in Britain, to which we were indebted for our independence—yet still we ought to do her justice when we behold her making such ample retribution. If from her short-sighted and avaricious policy, which occasioned her the loss of this country, resulted the present state of Europe—it is to her wisdom, to her perseverance and valor, that the civilized

world, at this moment, stands indebted for its liberties. To that nation oppressed humanity everywhere turns her eye. Portugal and Spain hail her as their deliverer. What have we to say of ourselves in respect to Spain and Portugal? Have we, who ought to know how to feel for nations oppressed—have we sympathized with those heroic, those gallant people in their struggle for independence? Have we triumphed at their emancipation, or even acknowledged it? Have we, in the eventful crisis of the times, any way acquitted ourselves of the debt we owed to humanity? Have we not rather been disposed to profit of the opportunity of virtue and valor in distress, to turn a longing eye towards the spoils we might seize? Yes, sir; Portugal, and Spain, and Germany, and Russia, and Sweden, and Prussia, all hail our enemy with one voice as their deliverer. Holland, and Italy, and Switzerland, look to her for succor. Joy and gratitude spring up in the bosom of even the tyrant's own family. Nay, France herself, if she dared to speak, would join the loudest in the general thanksgiving. Yes, sir, and the very gentlemen here, who carry on the war so furiously against this same Britain, are themselves thankful that she stood in the breach, and made a rampart for them. This, then, was not a time to choose to go to war with her. She was struggling for the liberties of mankind, against the enemy of mankind. The liberty of the world was at stake. It was not a time to higggle about our matters with her; and, beside, we had an account ourselves with her enemy, that called, loudly called for settlement. In such a moment—indeed at any time, was it fit, was it suitable for this nation to become a friend, a co-operator, an ally with France? With France, who has never deigned to talk to us but in the language of insult and opprobrium—who has made treaties with us only to violate them—who with outstretched arms has invited our commerce to her harbors, merely to plunder or destroy it—who has insulted us with her love, while she was everywhere burning and sinking our ships—whose every form of Government tramples us under foot—whose republic chastised us with whips—whose monarchy chastised us with scorpions?

Mr. President, in the course of the debate we have been triumphantly challenged to name a single nation besides Britain that claims a right to seize her subjects on board foreign vessels at sea. Without going at this time into any general examination of the subject of impressment, I beg leave, sir, to refer you to France, and her conduct towards us, where you will find a precedent for every outrage. We say distinctly that France claims and exercises this right. It is, and long has been, the fixed, permanent, and immutable law of her empire. I have the evidence on my desk before me, if it is desired. The report upon our tables proves her practice under this law. Indeed, her violence and rapine consider discrimination as out of character. She sinks or burns whole ships and cargoes, and seizes whole crews. When it suits her, she consigns those crews to dungeons, or marches them in chains, like slaves,

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immediately under the eye of her sovereign, through her land. The language our sailors speak leads her into no error with respect to the country to which they belong. Her prisoners—the subjects of her enemy—Englishmen—they receive not at her hands such treatment. It is a cruel and barbarous distinction, which she prides herself in keeping in store only for those whom she loves—for those whom she insultingly calls her *friends*! With respect to her own subjects she acknowledges no principle of expatriation, regards no naturalization; and, that on this head we may have no lurking-place for affectation or ignorance, she tells us, in so many words, to our very face, that she claims the right to recover her subjects, whether naturalized or not, and even without demanding them. Nor does she exercise this right at sea only, but enters our harbors and seizes and carries her sailors off by force, and without our permission; even, sir, from our very towns. Indeed, Mr. President, there is something in the mass and enormity of French outrage towards this country which goes beyond all power of description in language, and transcends all power of passion in nature. Had the inflictions of France been less, had they been somewhat minute and particular, our indignation might have kept them pace; but they have exceeded the point at which feeling ceases, and beyond which resentment never reaches.

To conclude—the consciousness that the people of the United States have of all these matters; of the situation in which Britain is at this moment placed; of the imminent danger to which the liberties of the world have been exposed; and besides, sir, the disastrous progress of the war in the direction we have chosen to give it; the necessity of abandoning Canada if we should conquer it; the still greater danger which will result from our insisting upon keeping it; the immense stake we put at hazard when we abandon the defence of what belongs to us; the folly of letting go the substance to grasp at something worse than the shadow; our accumulating debt; our diminished revenue; our wasted commerce; all, all equally impose upon us the necessity of making this war a war of defence. Let it assume that character, and I repeat again, no vote of mine for men or money shall be withheld. Sir, I have done.

On motion of Mr. BRENT, that this bill, together with the bill from the House of Representatives on the same subject, be referred to the Committee on Military Affairs, it was determined in the negative.

And, after further debate, on motion, by Mr. ANDERSON, it was agreed that the bill be recommitted to the Committee on Military Affairs, and that the bill from the House of Representatives on the subject be referred to the same committee, to consider and report thereon to the Senate.

TUESDAY, January 18.

Mr. BLEDSOE presented the memorial of the Legislature of the State of Kentucky, on the sub-

ject of compensation to the militia of that State engaged in the service of the United States; which was read, and referred to the Committee on Military Affairs, to consider and report thereon to the Senate, by bill or otherwise.

On motion, by Mr. BIBB, of Georgia, it was agreed that the consideration of the bill to prohibit the importation of certain articles therein described be postponed to Monday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to incorporate the subscribers to the stock of the Union Bank of Alexandria; and amendment having been proposed, the bill was recommitted to Messrs. ANDERSON, DAGGETT, and BLEDSOE, further to consider and report thereon.

The bill for the purpose of procuring subsistence for the inhabitants of Nantucket, Martha's Vineyard, Block Island, and the adjacent islands thereto, was read a third time, and passed.

On motion, by Mr. BIBB, of Georgia, the title was amended, "An act authorizing the President of the United States to grant certain permissions to the inhabitants of the island of Nantucket."

WEDNESDAY, January 19.

The following Message was yesterday received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of

Representatives of the United States:

I lay before Congress a report of the acting Secretary of the Treasury, containing a statement of proceedings under the "Act to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio."

JAMES MADISON.

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BOUNTY FOR ENLISTMENT.

Mr. CAMPBELL, from the committee to whom was referred the bill from the House of Representatives, entitled "An act making further provision for filling the ranks of the regular army, encouraging enlistments, and authorizing the reenlistments, for longer periods, of men whose terms of service are about to expire," reported it amended.

He also reported the bill which originated in the Senate, on the same subject, without amendment.

The bill first mentioned, together with the amendments reported thereto, were resumed as in Committee of the Whole; and the question to agree to the following amendment, reported by the select committee:

Section 1, line 3—After the word "despatch," strike out to the end of the section, and insert, in lieu thereof: "there shall be allowed and paid to each effective able-bodied man, who shall, after the first day of February next, be enlisted into the army of the United States, to serve for the term of five years, or during the war, at his election, in lieu of the bounty in money now allowed by law, the sum of one hundred dollars; twenty-five dollars of which to be paid at the time of enlisting the recruit, twenty-five dollars when he shall be mustered and have joined some military

corps of the United States for service, and the remaining fifty dollars when he shall be discharged from service, and shall have obtained from the commanding officer of his company, battalion, or regiment, a certificate that he had faithfully performed his duty while in service; and the heirs and representatives of such non-commissioned officers and soldiers, enlisted as hereinbefore stated, who may be killed in action or die in the service of the United States, shall be allowed and paid the said sum of fifty dollars."

And a division of the question was called for, and it was taken on striking out; and passed in the affirmative—yeas 19, nays 13, as follows:

YEAS—Messrs. Anderson, Campbell, Condit, Daggett, Dana, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Leib, Mason, Morrow, Smith, Tait, Wells, and Worthington.

NAYS—Messrs. Bibb of Georgia, Bledsoe, Brent, Brown, Chace, Fromentin, Gaillard, German, Howell, Lacock, Taylor, Turner, and Varnum.

THURSDAY, January 20.

MR. LACOCK presented the petition of Jacob Gerard Koch and others, praying an act of incorporation for a National Bank, for reasons stated at large in the petition; which was read, and referred to a select committee, to consist of five members, to consider and report thereon, by bill or otherwise; and, on motion, it was agreed to consider the vote of commitment; and, on motion, by **MR. SMITH**, the further consideration of the petition was postponed until to-morrow.

MR. ANDERSON, from the committee to whom was recommitting the bill to incorporate the subscribers to the stock of the Union Bank of Alexandria, reported it with amendments.

MR. CAMPBELL presented the petition of the President and Directors of the Bank of the Metropolis, praying an act of incorporation, for reasons stated at large in the petition, which was read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. **CAMPBELL, SMITH, and BROWN**, were appointed the committee.

MR. MORROW, from the committee appointed on the subject, reported a bill to incorporate the Directors of the Washington Library Company; and the bill was read, and passed to the second reading.

MR. LACOCK presented the memorial of Stephen Girard, of the city of Philadelphia, stating that he has established a bank upon his own fortune and credit, and for his own exclusive emolument, and that, by the construction given to the act of Congress laying duties on notes of banks, bankers, &c., he is excluded from the privileges enjoyed by other incorporated banks, and praying relief, for reasons stated at large in the memorial; which was read.

The **PRESIDENT** communicated a letter from John Bioren and others, with a copy of Smith's edition of the laws of Pennsylvania, as a specimen of the style and manner in which they propose to publish an edition of the laws of the United States; and the letter was read.

MR. HUNTER presented the petition of John

Cahoone, of Newport, in the State of Rhode Island, master of the revenue cutter called the Vigilant, in behalf of himself, his officers, and men, stating that, on the night of the 4th October, 1813, he fell in with and captured a British privateer called the Dart, which has been libelled and condemned, and the proceeds decreed to the United States as not being acquired under a prize commission, and praying to be rewarded therefor, as is stated at large in the petition; which was read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. **HUNTER, SMITH, and GORE**, were appointed the committee.

A message from the House of Representatives informed the Senate that **HENRY CLAY** having yesterday resigned his seat as Speaker, the House of Representatives have made choice of **LANGDON CHEVES**, one of the representatives from the State of South Carolina, as their Speaker.

BOUNTY FOR ENLISTMENT.

The Senate resumed, as in Committee of the Whole, the consideration of the bill from the House of Representatives, entitled "An act making further provision for filling the ranks of the regular army, encouraging enlistments, and authorizing the re-enlistments, for longer periods, of men whose terms of service are about to expire," together with the amendments reported thereto by the select committee.

On motion, by **MR. CHACE**, to amend the reported amendment, and to strike out the words "twenty-five," in the several places where they occur, and insert, in lieu thereof, in the several places where stricken out, the word "fifty;" and the word "fifty," where it afterwards occurs, to be stricken out, it was determined in the negative—yeas 12, nays 20, as follows:

YEAS—Messrs. Bibb of Georgia, Bledsoe, Brent, Brown, Chace, Fromentin, Gaillard, Howell, Lacock, Taylor, Turner, and Varnum.

NAYS—Messrs. Anderson, Campbell, Condit, Daggett, German, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Leib, Mason, Morrow, Robinson, Smith, Tait, Wells, and Worthington.

On motion, by **MR. SMITH**, to strike out of the amendment the following words: "heirs and representatives," and insert, in lieu thereof, "wife and children; and, if he leave no wife or children, the parents," it was determined in the affirmative—yeas 17, nays 11, as follows:

YEAS—Messrs. Anderson, Bibb of Georgia, Bledsoe, Brent, Campbell, Fromentin, Gaillard, German, Goldsborough, Howell, Leib, Mason, Morrow, Smith, Tait, Turner, and Worthington.

NAYS—Messrs. Chace, Daggett, Dana, Gilman, Gore, Horsey, Lacock, Lambert, Taylor, Varnum, and Wells.

On motion, by **MR. GERMAN**, to add a section to the bill, to be the third section, as follows:

"And be it further enacted, That, from and after the — day of —, one thousand eight hundred and fourteen, the monthly pay of the non-commissioned officers, musicians, privates, drivers, bombardiers, matrosses, sappers, miners, artificers, saddlers, farriers, and blacksmiths, who have enlisted, or shall hereafter

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enlist, in the service of the United States, shall, during the continuance of the war between the United States of America and their territories, and the United Kingdom of Great Britain and Ireland, and the dependencies thereof, be as follows, viz: to each sergeant major and quartermaster's sergeant fourteen dollars; to each sergeant and principal musician thirteen dollars; to each corporal twelve dollars; to each musician eleven dollars; to each private, bombardier, matross, sapper, and miner, ten dollars; to each artificer, saddler, farrier, and blacksmith, not attached to the quartermaster general's and ordnance departments, fifteen dollars."

It was determined in the negative—yeas 9, nays 23, as follows:

YEAS—Messrs. Bledsoe, Chace, German, Howell, Lacock, Leib, Morrow, Robinson, and Varnum.

NAYS—Messrs. Anderson, Bibb of Georgia, Brent, Campbell, Condit, Daggett, Dana, Fromentin, Gaillard, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Mason, Smith, Tait, Taylor, Turner, Wells, and Worthington.

And the PRESIDENT reported the bill to the House amended.

On motion, by Mr. TURNER, to amend the amendment, and strike out the words "twenty-five," where they occur in the second instance, and insert "seventy-five;" a division of the question was called for by Mr. DANA, and it was taken on striking out, and passed in the negative—yeas 14, nays 19, as follows:

YEAS—Messrs. Bibb, of Georgia, Bledsoe, Brent, Brown, Chace, Dana, Fromentin, Gaillard, German, Howell, Lacock, Robinson, Turner, and Varnum.

NAYS—Messrs. Anderson, Campbell, Condit, Daggett, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Leib, Mason, Morrow, Smith, Tait, Taylor, Wells, and Worthington.

The bill was then ordered to be read a third time, as amended.

FRIDAY, January 21.

Mr. GAILLARD, from the Committee on Naval Affairs, asked and obtained leave to report a bill, in addition to an act, entitled "An act allowing a bounty to the owners, officers, and crews, of the private armed vessels of the United States;" and the bill was read, and passed to the second reading.

The amendments to the bill, entitled "An act making further provision for filling the ranks of the regular army, encouraging enlistments, and authorizing the re-enlistments, for longer periods, of men whose terms of service are about to expire," having been by the committee correctly engrossed, the bill was read a third time, as amended.

On motion, by Mr. FROMENTIN, it was further amended, by consent, by expunging the word "to," in the amendment to the first section.

Resolved, That this bill pass, with amendments.

The PRESIDENT communicated the report of the Secretary for the Department of the Navy, on the memorial of John Teackle, made in obedience to a resolution of the Senate, of the 13th instant; and the report was read.

On motion, by Mr. GOLDSBOROUGH, the me-

morial, together with the report of the Secretary for the Department of Navy, was referred to a select committee, to consider and report thereon, by bill or otherwise; and Messrs. GOLDSBOROUGH, FROMENTIN, and SMITH, were appointed the committee.

SATURDAY, January 22.

Mr. DAGGETT presented the memorial of William Hart, and others, citizens of the State of Connecticut, non-resident proprietors of lands and houses in the State of Ohio, representing that a discrimination is made in the laying and collection of the direct tax, between residents and non-residents in the State of Ohio, and that the sum assessed on the non-residents far exceeds their just proportion of the amount of the tax assessed, and praying relief, for reasons stated at large in the memorial; which was read.

Mr. DANA presented the memorial of Henry Champion, and others, on the same subject.

A motion was made, by Mr. DAGGETT, to refer them to a select committee; and on motion, by Mr. MORROW, it was agreed that they lie on the table.

A message from the House of Representatives informed the Senate that the House of Representatives disagree to the amendments of the Senate to the bill, entitled "An act making further provision for filling the ranks of the regular army, encouraging enlistments, and authorizing the re-enlistments, for longer periods, of men whose terms of service are about to expire." They have passed the bill which originated in the Senate, entitled "An act authorizing the President of the United States to cause certain regiments therein mentioned to be enlisted for the term of five years or during the war," with amendments; in which they request the concurrence of the Senate.

The bill in addition to an act, entitled "An act allowing a bounty to the owners, officers, and crews, of the private armed vessels of the United States," was read the second time.

The bill to incorporate the Directors of the Washington Library Company, was read the second time.

On motion, by Mr. LACOCK, the petition of Jacob Gerard Koch, and others, presented the 20th instant, praying an act of incorporation for a National Bank, was referred to a select committee, to consist of five members, to consider and report thereon, by bill or otherwise; and Messrs. SMITH, KING, BROWN, TAYLOR, and GORE, were appointed the committee.

On motion, by Mr. LACOCK, the petition of Stephen Girard, presented the 20th instant, on the subject of his bank, was referred to a select committee, to consider and report thereon, by bill or otherwise; Messrs. LEIB, LACOCK, and MORROW, were appointed the committee.

The Senate proceeded to consider the amendments disagreed to by the House of Representatives to the bill, entitled "An act making further provision for filling the ranks of the regular army, encouraging enlistments, and authorizing the re-

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enlistments, for longer periods, of men whose terms of service are about to expire."

On motion, by Mr. CAMPBELL,

Resolved, That they insist on their amendments, and ask a conference on the disagreeing votes of the two Houses; and,

Ordered, That Messrs. CAMPBELL, BIBB, of Georgia, and SMITH, be the managers at the said conference on the part of the Senate.

The Senate proceeded to consider the amendments of the House of Representatives to the bill, entitled "An act authorizing the President of the United States to cause certain regiments therein mentioned to be enlisted for the term of five years or during the war." Whereupon,

Resolved, That they do not concur therein.

The Senate resumed, as in Committee of the Whole, the bill to incorporate the subscribers to the stock of the Union Bank of Alexandria; and, on motion, by Mr. SMITH, the consideration thereof was postponed to, and made the order of the day for, Monday next.

Mr. BRENT presented the petition of J. B. Nicholls, on behalf of himself and one hundred and one other petitioners, praying an act may pass to incorporate a company, under the title and firm of the Fire Insurance Company of Alexandria; and the petition was read, and referred to a select committee, to consider and report thereon, by bill or otherwise; and Messrs. BRENT, TURNER, and LACOCK, were appointed the committee.

MONDAY, January 24.

A message from the House of Representatives informed the Senate that they insist on their disagreement to the amendments of the Senate to the bill, entitled "An act making further provision for filling the ranks of the regular army, encouraging enlistments, and authorizing the re-enlistments, for longer periods, of men whose terms of service are about to expire." They agree to the conference proposed on the subject, and have appointed managers on their part.

The PRESIDENT communicated the memorial of the Legislature of the Indiana Territory, praying the aid of Congress in establishing their judicial system, as is stated at large in the memorial; which was read.

On motion, by Mr. DAGGETT, the memorial of William Hart and Henry Champion, and others, non-resident proprietors of lands and houses in the State of Ohio, presented the 22d instant, was referred to a select committee, to consider and report thereon, by bill or otherwise; and Messrs. DAGGETT, MORROW, and GORE, were appointed the committee.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to authorize the President of the United States to permit the departure of Paul Cuffee from the United States, with a vessel and cargo for Sierra Leone, in Africa, and to return with a cargo.

On motion, by Mr. GOLDSBOROUGH, the further consideration thereof was postponed.

The Senate resumed, as in Committee of the

Whole, the consideration of the bill to incorporate the Directors of the Washington Library Company; and, the bill having been amended, the President reported it accordingly, and it was ordered to be engrossed and read a third time, as amended.

Mr. MASON submitted the following motion for consideration:

Resolved, That the Department of the Treasury is a principal and indispensable office in the administration of the Government of the United States;

That the duties of this office are at all times important; that, at the present time, when plans of finance are to be devised, taxes to be imposed, loans to be obtained, and large sums of money to be expended and accounted for, these duties have become more arduous; and that the talents, integrity, and diligence of a competent and responsible officer are alone sufficient to discharge them;

That, by his Message of the 7th of June last, the President of the United States informed the Senate that he had commissioned Albert Gallatin, then Secretary of the Department of the Treasury, to proceed to Russia, and there, with others, to negotiate treaties of peace and commerce with Great Britain, and a treaty of commerce with Russia;

That, pursuant to such commission, Albert Gallatin departed from the United States in the month of May last, and hath ever since been, and still remains, without the limits of the United States;

That, by reason of the said commissioning, departure, and absence from the United States of the said Albert Gallatin, the office of Secretary of the Treasury became vacant, and is now vacant;

That such vacancy in the office of the Secretary of the Treasury affects the public credit, retards the current service, endangers the general welfare, and ought no longer to exist.

TUESDAY, January 25.

The bill to incorporate the Directors of the Washington Library Company having been reported by the committee correctly engrossed, was read a third time, and passed.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the more effectual enforcing of the non-importation laws, by forbidding the courts to deliver to the claimants pending the trial, merchandise or other articles seized under the same;" in which bill they request the concurrence of the Senate.

The bill last mentioned was read, and passed to the second reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to incorporate the subscribers to the stock of the Union Bank of Alexandria; and, after debate, the further consideration thereof was postponed until to-morrow.

Mr. CAMPBELL, from the managers on the part of the Senate, at the conference on the amendments of the Senate disagreed to by the House of Representatives to the bill, entitled "An act making further provision for filling the ranks of the regular army, encouraging enlistments, and authorizing the re-enlistments, for longer periods, of

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men whose terms of service are about to expire," reported that the conferees had agreed to certain modifications of the amendments, and the report was read; and the Committee on Engrossed Bills having reported it correctly engrossed,

Resolved, That the Senate so far recede from their amendments, as that the bill be amended accordingly.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to prohibit the importation of certain articles therein mentioned; and, after debate, the further consideration thereof was postponed until to-morrow.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to authorize the President of the United States to permit the departure of Paul Cuffee from the United States with a vessel and cargo for Sierra Leone, in Africa, and to return with a cargo.

On the question, Shall this bill be engrossed and read a third time? it was determined in the affirmative—yeas 18, nays 6, as follows:

YEAS—Messrs. Bledsoe, Chace, Daggett, Dana, Gaillard, Giles, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Leib, Mason, Morrow, Smith, and Varnum.

NAYS—Messrs. Bibb of Georgia, Condit, Fromentin, Lacock, Tait, and Taylor.

WEDNESDAY, January 26.

The bill, entitled "An act for the more effectual enforcing of the non-importation laws, by forbidding the courts to deliver the claimants, pending the trial, merchandise or other articles seized under the same;" was read the second time, and referred to the committee appointed the 9th December, on Foreign Relations, to consider and report thereon.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to prohibit the ransoming of ships or vessels of the United States, and the goods or merchandise on board the same, captured by enemies thereof," in which bill they request the concurrence of the Senate.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to prohibit the importation of certain articles therein described, together with the amendments proposed thereto; and, having agreed to sundry amendments, on motion, by Mr. CHACE, to agree to the seventh section of the bill, amended as follows:

"And be it further enacted, That each and every officer of the customs (when making any search or seizure authorized by this act,) be, and he is hereby, empowered to command any person, who shall be present at the time of making such search or seizure, for the purpose of suppressing any resistance by force which may be offered or justly apprehended, to aid and assist such officer in the discharge and performance of his duty therein. And if any person, being so commanded, shall neglect or refuse to aid and assist such officer in making such search or seizure, the person so neglecting or refusing shall forfeit and pay a sum not exceeding —, to be recovered in an action of debt

or by information or indictment before any court proper to try the same."

It was determined in the affirmative—yeas 17, nays 8, as follows:

YEAS—Messrs. Bibb of Georgia, Bledsoe, Brent, Campbell, Chace, Condit, Gaillard, Giles, Howell, Lacock, Leib, Morrow, Robinson, Smith, Taylor, Varnum, and Worthington.

NAYS—Messrs. Daggett, Dana, Gilman, Goldsborough, Gore, King, Lambert, and Mason.

And, after debate, the Senate adjourned.

THURSDAY, January 27.

The engrossed bill to authorize the President of the United States to permit the departure of Paul Cuffee from the United States, with a vessel and cargo, for Sierra Leone, in Africa, and to return with a cargo, was read a third time, and passed.

The bill brought up yesterday from the House of Representatives for concurrence, was read, and passed to the second reading.

PROHIBITION OF CERTAIN IMPORTS.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to prohibit the importation of certain articles therein described; and, the bill having been amended, the President reported it to the House accordingly.

On motion, by Mr. FROMENTIN, to add a new section, as follows:

"And be it further enacted, That nothing in this act contained shall be construed so as in any manner to contravene the rights secured to French ships coming directly from France or any of her colonies, loaded only with the produce or manufactures of France or her said colonies; and to the ships of Spain coming directly from Spain or any of her colonies, loaded only with the produce or manufactures of Spain or her colonies, by the seventh article of the treaty between the United States of America and the French Republic, signed at Paris, on the thirtieth of April, 1803;"

It was determined in the negative.

On motion, by Mr. SMITH, to insert, section 1, line 11, after "value," "except nankeens from beyond the Cape of Good Hope;" it was determined in the affirmative.

Mr. GORE moved to strike out, from section 1, lines 8, 9, 10, and 11, "any article manufactured or composed of wool, or of which wool is the material of chief value; any article manufactured or composed of cotton, or of which cotton is the article of chief value, except nankeens from beyond the Cape of Good Hope."

Mr. GORE addressed the Chair as follows:

Mr. President—I have listened, sir, with undivided attention, to learn if there were any substantial reasons for the passage of this bill. I can perceive none, that are even specious. We may be confident, from the known industry, ingenuity, and information of the honorable chairman of the committee, who introduced the subject, that, if any such existed, he would have produced them. Indeed, sir, the gentleman considers the proposed measure as a mere supplement to another, viz:

the non-importation law; the policy of which is not to be brought into question, at the present time, and on the present occasion.

Should that law be deemed improper, the only mode, in which he thinks its wisdom and policy can be discussed, will be to offer a motion for its repeal. It is not clear, to my mind, how the propriety of this bill can be decided, which is a mere accident, without considering the merits of the principal measure to which it is to be attached, and which it is intended to enforce. If the act, which this is to execute, was originally wrong, or has become so now, although at first proper, we ought, at least, to refrain from doing anything which may give it strength. This is yet in our power. To repeal the law does not depend on this House; the other branch of the Legislature may refuse its concurrence. Should that body concur, the President may decline to afford his approbation; and considering how dear this system is to him, we have a moral certainty he would not. I am, therefore, not satisfied to follow the advice of the honorable chairman, by obeying the rules which he has prescribed to himself, and which seem to have induced him to rest the bill, principally, if not altogether, on the Message of the President. He, too, sir, has omitted to offer any grounds for the opinion he has been pleased to advance. The recommendation of the President is, undoubtedly, entitled to the most respectful attention; but we have no right, by our votes, to sanction error, from whatever source it may come. We ought to refrain from acting, until our minds are convinced of the propriety of the measure recommended. We have already, sir, without any evidence of the assumed fact on which it was recommended, contrary to the conviction of a majority of this House I cannot say, but I may say, contrary to the avowed conviction of some who voted for the measure, passed a bill, in obedience to the will of the Chief Magistrate, which subjects all our citizens to immense loss and privation; which dooms large and populous districts of our country to want and wretchedness; which pronounces to the world, that the citizens of the United States cannot be trusted out of the immediate eye of the Government; that reduces the country to a desert, and then converts it into a prison for its miserable inhabitants, under all the regulations of military discipline.

Enough, sir, has been done, I hope, to satisfy the President, and the world at large, of his weight and influence in this honorable and independent branch of the Legislature. Let us, then, on the present occasion, examine this Message, at least those parts of it which relate to the subject before us, with all the deference which is due to the President, and with all the freedom which is required by our paramount duty to the public.

The Message declares, that "the tendency of our commercial and navigation laws, in their present state, to favor the enemy, and thereby prolong the war, is more and more developed by experience. Abuses of a like tendency take place in our import trade; British fabrics and products

find their way into our ports, under the name 'and from the ports of other countries.'"

"To shorten as much as possible the duration of the war, it is indispensable that the enemy should feel all the pressure that can be given to it. The restraints will affect those most who are most ready to sacrifice the interest of their country in pursuit of their own."

The evil complained of is the tendency of our navigation and commercial laws, by allowing the importation of articles of a kind like to those manufactured in England, to introduce British fabrics and products; to favor the enemy, and prolong the war.

The remedy proposed, is the express and absolute prohibition of all such articles, from whatever country they may come. The object is to cause such a pressure on the foe as to shorten the war; that is, to compel him to accede to our terms. It cannot be forgotten, that our commercial and navigation laws prohibit, under heavy penalties, the introduction of all articles of the growth, produce, or manufacture of Great Britain; that our criminal laws are very severe on those who obtain such articles by trading with the enemy. With all these laws against offenders, and penalties imposed on all concerned in the importation of British goods, it is difficult to conceive that any amount of the prohibited articles can be imported, at most to such a degree as to afford to Great Britain any essential means to carry on the war. It is more difficult to conceive what tendency such laws have to bring into our ports British fabrics and products.

The President has been pleased to say, that experience more and more develops these facts and consequences. Let us then, sir, appeal to experience, to ascertain the pressure that is likely to be made by the prohibition proposed, and its effects on the enemy. In our Revolutionary contest we endeavored, by refusing to import her manufactures, to oblige Great Britain to listen to our just complaints. We were aided by the great body of her merchants and manufacturers, trading to this country, by some of the most opulent of her corporations, and by the talents and eloquence of her most distinguished and influential statesmen. All these were without effect; she disregarded the pressure, and was inexorable to our complaints.

The war ensued, and laws against the importation of all goods the growth, produce, and manufacture of Great Britain, were enacted. No one will doubt those laws were as faithfully executed then as now. The pressure, whatever it was, had not the smallest effect. She swerved not from her purpose, until all Europe engaged in the war against her; until we had captured two of her largest and best appointed armies, under the command of her most renowned and illustrious Generals, nor until an hostile fleet swept the British Channel, and braved her navy in her own ports. In the Spring of 1806 we again uplifted this weapon, so terrible in our eyes, so harmless in her's; we passed a law prohibiting the importation of certain articles, of the manufacture of

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Great Britain; but the blow was suspended for seven months; at the end of this time, eight months more of grace were allowed to the alleged offenders against our rights, with a power to the President to extend the time six months longer, in which she might redeem our favor. No effect was produced. Shortly after the lapse of this term, a general embargo was imposed. In March, 1809, when President Jefferson, and his very obsequious Congress, who, at his mere suggestion, passed that abominable act, and its arbitrary and unconstitutional supplements, were obliged to capitulate with public opinion, and repeal their odious laws, a non-intercourse was established against France and England, and conditions held out to these great Powers, a compliance with which should relieve them from this dreadful pressure. On application to one of them to accept our good will and custom, and aid in extricating us from the effects of our own folly, we were tauntingly told that Great Britain had no interest in the repeal of our laws, nor in relieving us from the awkward predicament in which we had been pleased to place ourselves. By the other, our ships were burned, our property plundered, our national character, our Government, and people insulted and reviled in the grossest manner, and in the face of the world. All this was borne with a patience that was never surpassed by the meanest of vassal nations, and unequalled by any that ever made the smallest pretensions to independence. In this exercise of our restrictive energies, according to the strange language of the day, we reaped nothing but misfortune and disgrace. At length, smarting under the failure of our abortive schemes, and stung with the mortifying conviction that the world saw and ridiculed our extreme weakness, in attempting such mighty ends by such feeble means, we rushed, unprovided and unprepared, into a war of arms, with a nation amply provided and well prepared to contend with all the Powers of the earth. Thus much for our experience of the pressure, and the effects thereof on Great Britain, by prohibiting the importation of her manufactures.

We can draw still deeper on experience, to test the soundness or futility of such measures, if we will revert to the efforts of the potent Emperor of France on Great Britain. To aid his numerous armies in the conquest of those proud islanders, he prohibited the use of her manufactures, not only in his own dominions, and in those of his vassal States, but throughout all Europe; and for many years he succeeded in causing this prohibition to be general over the Continent. No foothold could Great Britain obtain on which to empty her overloaded stores and magazines, but some distant island or some obscure port in the North Sea. She was shut out from the market of more than an hundred millions of people, by this seemingly all-powerful monarch; undismayed she met the world in arms, bore every privation for the loss of open markets for the labor of her people, and the products of her vast possessions, without discovering the smallest symptoms of yielding an iota of her pretensions. Her proud

and unbending neck spurned the yoke. It bent not the least, although we too added our mite to the pressure. She never hesitated between the alternative of no trade, or a surrender of what she deemed her rights. The effects of her firmness and perseverance are not likely to render her more submissive to the blows we have inflicted, or to those we are preparing for her by this bill. She now has all the world courting her trade, and receiving her products, diminished France and impoverished America excepted.

When she considers how successfully she met her numerous foes, armed also with prohibitions and proscriptions of her products on every foot of land, from the Baltic to the Mediterranean, and compares the situation of her then enemies with that of our fallen country, will she be frightened into submission by the increased pressure of this act? She attempts to capture our ships, to destroy our trade, and prevent us from receiving supplies from abroad. We co-operate most manfully in this work of ruin; nay, we do more to this end, in a few short days, than she could do in many years. We annihilate our ships, destroy our produce, imprison all our citizens, suffer not one to escape from the United States, doom whole States to sloth and famine, allow no man, woman, or child, to cross a river or bay without permission from the President, to obtain the smallest comfort in the greatest need, break down all the barriers heretofore thought necessary to the support of public and individual liberty, disregard the provisions of our Constitution, and subject ourselves and property to martial law. When our vindictive foe has obtained so efficient an ally, in bringing destruction on the people of this country, he may cheerfully sustain the loss which will be incurred by retaining at home, or selling at a reduced price, the few blankets that might be smuggled into the United States by some crafty foreigner from a neutral port.

The remedy proposed for this enormous evil, as it is believed, the practice of which is supposed to afford to Great Britain the power of continuing the war against us, is an express and absolute prohibition of articles of a kind like to those of British fabrics from all countries. The existing laws render liable to forfeiture all British goods, and three times their value, and the vessel or carriage which shall convey them. These laws, moreover, render the master of the vessel, and all parties to the offence, liable to heavy and severe penalties, and superadd to those inflicted by public law, and by the common law of the land, other and more aggravated penalties.

If the people of the United States be as profligate, as the Message referred to supposes them, and do now risk all the fines and forfeitures, pains and penalties, to which they are liable, will such an act as the one proposed effectually secure the entire exclusion of such goods?

The Emperor of France, I will not say more despotic in the quality of his laws than the Government of the United States, but possessing greater power, exerted all the ingenuity of his inquisitive policy, and employed his vast means, to

detect offences against his prohibitory statutes, and, when detected, punished them with unmitigated severity. Yet the prohibited goods were to be found in every part of the Continent, and in the very heart of his dominions. Surely such a lesson will not be lost on any Legislature, guided by a sound discretion, nor on any man not predetermined to shut his eyes against the light of experience.

It is not merely the experience of the present day to which I would ask the attention of gentlemen. The experience of all times, and of all nations, has shown that the most arbitrary, even the most sanguinary provisions of the best executed laws are ineffectual against the introduction of foreign commodities, which are better and cheaper than the domestic. It has been truly said, the strongest, the highest bars, that the tyranny or folly of Government can erect, always have, and we may therefore safely predict always will, prove powerless against the cheapness of foreign articles. Private interest will either overleap or burst them asunder. Laws against the long-continued habits, and the manifest benefit of a people, serve but to corrupt their morals, to compromise the character of Government, to expose its weakness, and finally to render it both odious and contemptible.

To render the miserable system, of which this bill is to be the keystone, more palatable, we are told encouragement will hereby be afforded to our own manufactures. This comes with an ill grace, indeed, from that Government which has most unfeelingly destroyed all the numerous manufactures that spring from, and are supported by, navigation and commerce. Manufactures that inspire health, courage, firmness, and intrepidity, that nerve the arm and invigorate the mind, that provide you men, at all times, able and willing to defend the soil blessed by their industry, and to advance the glory of a nation that has the wisdom to protect and cherish them.

Instead of these hardy employments you offer the loom and shuttle. You huddle together men, women, and children, in one contaminated and contaminating mass, and will soon render your men more effeminate than your women. You have sentenced the sons of industry and enterprise to penury and want, and expect to stifle their complaints by sending them to work at a machine, where an idiot can work as skilfully as themselves, and a feeble girl of ten years of age can earn as much.

I know, sir, the people of this country are patient beyond all example. They have believed the Government was not hostile to their interests. They have been taught to think the privation they endured was a necessary price for the protection of their rights, and the support of their freedom. This opiate, which has been so plentifully administered, must, and will lose its effect. They cannot continue the dupes of that policy, of which they are so manifestly the victims. They will not stoop to beg; they cannot see their wives and children perish with hunger and nakedness. You take from them their livelihood,

and restrain them from the sad privilege of seeking abroad that bread which you will not permit them to earn at home. They will feel themselves degraded and insulted by being told, that they must fight the enemy for their rights, when the Government, which ought to be their friend and protector, deprives them of all their rights, of even the means of obtaining subsistence, and at the same time renders them the scoff and ridicule of the world.

Would to Heaven, sir, the Government might awake from its own fatal illusions, before it be too late, before the people shall awake to the deformity of that despotism which debases and oppresses them!

The President tells you the restraints will affect those most who are most ready to sacrifice the interests of their country in pursuit of their own. These restraints will affect all who use any articles like those which are prohibited. The bill grants a monopoly to the manufacturer, at the expense of every one who wears the article which he makes. You tax the weaver the difference that is occasioned in price, by want of those commodities, which would have been imported had not your prohibition been imposed.

By the destruction of commerce, with its dependant arts, and the flattering bounties you thereby heap on the favored manufactures, you prematurely seduce the capitalists of the country into new and untried employments. When peace returns, and trade shall be restored, should that ever be the case, these manufactures will not compete with foreign. They will then be destroyed with the same apathy that is now discovered in the destruction of others that are more useful. From the high price of labor in America, the cheapness, quantity, and excellence of our lands, and the profitable employment of capital in foreign commerce, we cannot expect to manufacture many articles so cheap as they can be afforded from other countries, less fortunately situated. Such will, then, be imported, and the numerous adventurers in these new establishments must fail. Sad, but certain result of not leaving to the sagacity of individuals, at all times more quick-sighted and intelligent on subjects of this sort than the wisest Governments, the employment of their wealth, and the exercise of their own industry.

All writers, sir, on political economy; all nations, except our own; all statesmen, except those who rule the destinies of the United States; are satisfied of the vast importance of commerce to the population, the riches, and prosperity of a country; that, with it, are inseparably connected individual wealth and national power, of which it is essentially the source and support.

From some cause, which I will not now undertake to develop, but which is, at last, pretty well understood throughout this country, the efforts of our Government have all tended directly to the destruction of commerce. To this end it has been loaded with all the shackles and restrictions for which any pretence could be invented, and to as high a degree, and as long as the pa-

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tience of the people would bear. Congress has now finally suppressed all that can be exercised by our own citizens, both foreign and domestic.

The little remnant which had been spared from prohibitions, proscriptions, embargoes, and war measures against Great Britain, at the evident hazard of offending the few friends which remain to us in the civilized world, is now to be sacrificed to this exterminating spirit. Not an article, of which wool or cotton is an ingredient, is to be admitted from abroad. By far the greatest portion of the apparel of the whole population of this country, is composed of wool or cotton. It cannot be pretended that one-half the supply necessary to cover our citizens from absolute nakedness, can be made at home. Without recurring to the uncertain accounts, of who makes and where these goods are made, and the quantities that interested manufacturers pretend can be delivered, there is one fact known to every one, that puts this question beyond all doubt: notwithstanding the immense influx of those articles in the Autumn of 1812, and the quantities which we are told find their way into the United States from Great Britain, as well as from other parts of the world, goods of this kind, especially of the coarser sort, and such as are used almost exclusively by the poor, have been sold for a year past at three times the amount of their original cost, whereas, in common and ordinary times, forty, or at most fifty per cent. advance, on the first price, was considered sufficient to pay all charges, and afford a handsome profit to the importer.

If the bill passes, and effects the exclusion which is expected, the rich must, and will pay the monopoly price of the manufacturer. The poor must suffer extreme distress. Formerly, the number of this class was small, and it has become very large, and soon will embrace a majority of our citizens. On them will fall these restraints. Wherein have they been willing to sacrifice the interests of the country in pursuit of their own? Their poverty is their only crime, and this cannot be charged on them. It flows directly and palpably from the Government. They have been generally, both in faith and practice, devoted to the Administration.

Well may they exclaim, what have we done to merit from your hands both nakedness and hunger? All this is to be inflicted and suffered under the notion, that, by such pitiful schemes, you can compel the most opulent, the most powerful, and the most prosperous, and the proudest nation on the earth, to receive the law at your hands, and to accept peace on your own terms. I forbear to press this subject further. I am persuaded, sir, and I trust this House, if it will exercise its own judgment, will also be persuaded that this bill, if passed into a law, can have no other effect than to render the nation ridiculous, and to increase the misery and distress of a loyal and faithful people, already bowed to the earth with privations and sufferings. There is one other consideration in the minds of many, of greater magnitude than any yet contemplated, against employing our time and our strength in such fruitless

schemes, which will now—they always have done—prove a mere *ignis-fatuus* as relates to the enemy. They delude us from examining into the critical state of our national affairs, and from adopting measures suited to the extreme exigency of our condition.

It is time to cease this trifling, and to look fully at the dangers of our present, and prepare for the horrors of our future situation. On our Southern frontiers we have an invading foe, and no force, that we know of, to prevent desolation and ruin as far as he chooses to proceed. In the West, it is true, we hear the voice of joy and gladness, arising from the great influx of wealth, from projects for new demarcation of boundaries, extended Territories, increasing population, and unclouded prosperity. I really rejoice, sir, that any part of our soil is free from the general gloom, from the otherwise universal despair that pervades the country. I need not say it is only in that highly favored portion of the United States where the occasion or the sound of gladness is to be heard.

On our seaboard we are closely invested by the enemy's fleet, from the St. Croix to the Mississippi, menacing destruction and devastation, should our Government execute their declared purpose. On all that extent of coast, from Louisiana to Maine, we have scarcely a fortress to protect us against this menace, should we proceed the unhallowed length that has been threatened. And we have the most fatal evidence, that our enemy is neither slow, nor measured in his retaliations. On our Northern frontier, late a scene of the most extravagant vaunting, and whence we expected to realize all the promised fruits of the war, we behold our towns, altogether defenceless, and at the mercy of an exasperated foe, the country laid waste and desolate, villages sacked and burning, and their wretched inhabitants naked and forlorn, fleeing in the most inclement seasons from the flames of their houses and the tomahawk of the savage.

All this time the Government of the nation amuses itself, by weighing the degree of pressure it can make on a powerful enemy, by depriving her woollen drapers and cotton weavers of the sale of a few bales of goods. Never was such a scene exhibited, since the day when the master of a great empire thought to divert himself by the most frivolous amusement, while his capital was in flames. Let us quit this disgraceful and humiliating game, and seriously betake ourselves to the protection of our defenceless and neglected inhabitants, restore to them their ancient rights, suffer them to return to cheering industry and honest enterprise, endeavor to bring back peace, prosperity, and, if possible, character to our bleeding country, once the just pride of every American and the envy of every nation, now so fallen, so dishonored, so disgraced, and degraded, as to be unworthy the consideration of the meanest.

The system, sir, of which this is a part, has been tried in youth, and in manhood, in peace, and in war. In no instance has it ever pressed on Great Britain, so as to produce from her a more

favorable attention to our complaints. To us it has been pregnant with misfortune and disgrace. When practised by the most populous and most wealthy nations of the earth, it has also been ineffectual. Great Britain has risen triumphant over all the efforts of her numerous foes, and has now as friends almost all those who were her enemies, and nearly the whole world is open to her as a market. It would seem, then, conclusive to any men, not bereft of reason, that to persist in this course of measures, as instruments of war, marks the grossest imbecility of mind and power. We have also seen that the most powerful nations have never been able to execute such a system. The bill before us, and the Message which produced it, confess that we have not executed it; we have tried all the civil and military force of the country, all the forfeiture and penalties, that human ingenuity and uncontrolled power could invent and enact, without effect. It must, therefore, be worse than idle to persist, especially by such feeble means.

I did not, sir, in my motion for striking out, include spirits, distilled from the sugar cane, because I am satisfied we can make at home spirits in as great quantities as can be useful for domestic consumption. The only remaining consideration would be that of revenue. And since, by all the skill of our financiers, and the wisdom of our statesmen, we have only reduced the annual amount of cash, receivable in duties, from sixteen millions to half a million of dollars, it cannot, in the view of the Administration, be important to regard the article in this relation; moreover the prohibition of spirits distilled from cane, and the admission of French brandy, discover a due respect to that power and those interests with which our own seem intimately, if not inseparably and fatally involved.

When Mr. G. had concluded, the question was taken and determined in the negative—yeas 12, nays 18, as follows:

YEAS—Messrs. Daggett, Dana, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Mason, Stone, and Wells.

NAYS—Messrs. Anderson, Bibb of Georgia, Bledsoe, Campbell, Chace, Condit, Fromentin, Gaillard, Giles, Howell, Lacock, Leib, Morrow, Robinson, Smith, Taylor, Varnum, and Worthington.

On the question, Shall this bill be engrossed and read a third time as amended? it was determined in the affirmative—yeas 18, nays 12, as follows:

YEAS—Messrs. Anderson, Bibb of Georgia, Bledsoe, Campbell, Chace, Condit, Gaillard, Giles, Howell, Lacock, Leib, Morrow, Robinson, Smith, Stone, Taylor, Varnum, and Worthington.

NAYS—Messrs. Daggett, Dana, Fromentin, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Mason, and Wells.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to incorporate the subscribers to the stock of the Union Bank of Alexandria; and, after debate, the Senate adjourned.

FRIDAY, January 28.

Mr. HUNTER, from the committee appointed to consider the subject, reported a bill to carry into effect the report made to Congress in February, 1803, by James Madison, then Secretary of State, Albert Gallatin, Secretary of the Treasury, and Levi Lincoln, Attorney General of the United States, commissioners, appointed in pursuance of the act, entitled "An act for an amicable settlement of limits with the State of Georgia, and authorizing the establishment of a government in the Mississippi Territory," in obedience to the provisions of the act supplemental to the last mentioned act; and the bill was read, and passed to the second reading.

On motion, by Mr. HUNTER, the memorial of the New England Mississippi Land Company was ordered to be printed for the use of the Senate.

The bill, entitled "An act to prohibit the ransoming of ships or vessels of the United States, and the goods or merchandise on board the same, captured by the enemies thereof," was read the second time, and referred to the Committee on Foreign Relations, to consider and report thereon.

The Senate resumed, as in Committee of the Whole, the bill to incorporate the subscribers to the stock of the Union Bank of Alexandria; and, after debate, the further consideration thereof was postponed to the first Monday in March next.

The bill to prohibit the importation of certain articles therein described, was read a third time; and, on motion, by Mr. GILES, the further consideration of the bill was postponed to Monday next.

Mr. CAMPBELL, from the Committee on Military Affairs, reported, in part, a bill for the better organizing, paying, and supplying, the Army of the United States; and the bill was read, and passed to the second reading.

Mr. DANA presented the memorial of Ephraim Root, and others, citizens of the State of Connecticut, non-resident proprietors of lands and houses in the State of Ohio, on the subject of the direct tax.—Referred to Messrs. DAGGETT, MORROW, and GORE, the committee to whom were referred, on the 24th instant, the memorials of William Hart and others, and Henry Champion and others, on the same subject, to consider and report thereon by bill or otherwise.

On motion, by Mr. MASON, the resolution submitted by him on the 24th instant, was made the order of the day for Tuesday next.

A motion was made, by Mr. BIBB, of Georgia, that the further consideration thereof be postponed to, and made the order of the day, for next Monday week; and, the Senate being equally divided, the President determined the question in the affirmative.

MONDAY, January 31.

The bill to carry into effect the report made to Congress in February, 1803, by James Madison, then Secretary of State, Albert Gallatin, Secretary of the Treasury, and Levi Lincoln, Attor-

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ney General of the United States, commissioners, appointed in pursuance of the act, entitled "An act for an amicable settlement of limits with the State of Georgia, and authorizing the establishment of a government in the Mississippi Territory," in obedience to the provisions of the act supplemental to the last mentioned act, was read the second time.

The bill for the better organizing, paying, and supplying, the Army of the United States, was read the second time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill in addition to an act, entitled "An act allowing a bounty to the owners, officers, and crews, of the private armed vessels of the United States;" and the bill having been amended, the President reported it to the House accordingly, and it was ordered to be engrossed and read a third time as amended.

Mr. BIBB, of Georgia, from the Committee on Foreign Relations, to whom the subject was referred, reported, in part, a bill for the relief of William Stothart and Josiah Starkey; and the bill was read, and passed to the second reading.

Mr. LEIB presented the petition of Daniel Pettibone, stating that he hath made several useful improvements in the manufacture of implements of war, and in several other branches of the useful arts, which he conceives may be applied to the public armories and elsewhere, with great advantage; and praying a consideration of the subject; and the petition was read, and referred to the Committee on Military Affairs, appointed on the 9th December, to consider and report thereon by bill or otherwise.

The Senate resumed the third reading of the bill to prohibit the importation of certain articles therein described.

On motion, by Mr. GILES, that the bill be re-committed for the purpose of further amendment, it was determined in the negative—yeas 13, nays 15, as follows:

YEAS—Messrs. Brown, Daggett, Dana, Fromentin, German, Giles, Gilman, Goldsborough, Gore, Horsey, King, Lambert, and Mason.

NAYS—Messrs. Anderson, Bibb of Georgia, Bledsoe, Campbell, Chace, Condit, Gaillard, Howell, Lacock, Morrow, Taylor, Turner, Varnum, and Worthington.

And the blanks having been filled, on the question, Shall this bill pass? it was determined in the affirmative—yeas 16, nays 12, as follows:

YEAS—Messrs. Anderson, Bibb of Georgia, Bledsoe, Campbell, Chace, Condit, Gaillard, Giles, Howell, Lacock, Leib, Morrow, Taylor, Turner, Varnum, and Worthington.

NAYS—Messrs. Daggett, Dana, Fromentin, German, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, and Mason.

So it was *Resolved*, That this bill pass; and, on motion, by Mr. BIBB of Georgia, the title was amended, as follows: "An act to prohibit the importation of certain articles, and for other purposes."

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to raise five regiments of

riflemen," in which bill they request the concurrence of the Senate.

The bill last mentioned was read, and passed to the second reading.

TUESDAY, February 1.

The bill for the relief of William Stothart and Josiah Starkey was read the second time.

The bill, entitled "An act to raise five regiments of riflemen," was read the second time, and referred to the Committee on Military Affairs, to consider and report thereon.

The Senate resumed, as in Committee of the Whole, the bill in addition to the acts concerning patents for useful discoveries and inventions; and, after debate, the further consideration thereof was postponed until to-morrow.

Mr. KING presented the petition of Justin Lyman, of the city of New York; and Elias Lyman, of Hartford, Vermont, praying to be relieved from the penalties and forfeitures incurred by the violation of the non-importation laws, in consequence of the arrival in the United States of a vessel with a cargo of coffee, for reasons stated in the petition; which was read, and referred to the Committee on Foreign Relations, to consider and report thereon by bill or otherwise.

The bill in addition to an act, entitled "An act allowing a bounty to the owners, officers, and crews, of the private armed vessels of the United States," having been reported by the committee correctly engrossed, was read a third time, and the blanks filled.

On the question, Shall this bill pass? it was determined in the affirmative—yeas 15, nays 10, as follows:

YEAS—Messrs. Bledsoe, Brown, Chace, Condit, Fromentin, Gaillard, Giles, Howell, Lacock, Leib, Morrow, Stone, Taylor, Varnum, and Worthington.

NAYS—Messrs. Daggett, Dana, Gilman, Goldsborough, Gore, Horsey, King, Lambert, Mason, and Wells.

So it was resolved that this bill pass.

WEDNESDAY, February 2.

The Senate resumed, as in Committee of the Whole, the bill in addition to the acts concerning patents for useful discoveries and inventions; and, on motion by Mr. GORE, the further consideration thereof was postponed until to-morrow.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to carry into effect the report made to Congress in February, 1803, by James Madison, then Secretary of State, Albert Gallatin, Secretary of the Treasury, and Levi Lincoln, Attorney General of the United States, Commissioners, appointed in pursuance of the act, entitled "An act for an amicable settlement of limits with the State of Georgia, and authorizing the establishment of a government in the Mississippi Territory, in obedience to the provisions of the act supplemental to the last mentioned act."

On motion, by Mr. TAYLOR, the further con-

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sideration thereof was postponed to Wednesday the 9th instant.

The Senate resumed, as in Committee of the Whole, the bill for the relief of William Stothart and Josiah Starkey; and the bill having been amended, the President reported it to the House accordingly. And it was ordered to be engrossed, and read a third time.

The Senate resumed, as in Committee of the Whole, the bill for the better organizing, paying, and supplying, the Army of the United States; and Mr. GAILLARD was requested to take the Chair; and, sundry amendments having been proposed by Mr. CAMPBELL, the further consideration of the bill was postponed until to-morrow.

Mr. DANA submitted the following motion for consideration:

Resolved, That the President of the United States be requested to cause to be laid before the Senate a statement of the names of the individuals selected from American prisoners of war and sent to Great Britain for trial, as mentioned in his Message at the commencement of the present session of Congress; and also their respective places of residence in the United States, with the times when, and the courts where, they were admitted to become citizens of the United States, and the regiments or corps to which they belonged in the service of the United States; when taken by the enemy, and the times and places of their being so taken, together with copies of any official correspondence respecting the treatment of prisoners of war, and any orders for retaliation on either side, which the President may judge proper to be communicated.

Mr. BROWN presented the petition of David Porter, stating that he commanded the flotilla stationed at New Orleans during the existence of the laws prohibiting intercourse with France, and that he there seized and prosecuted, at his own expense, to condemnation, three vessels, the proceeds of which were distributed under the revenue laws, but that his proportion thereof did not amount to the cost of prosecution; he therefore prays Congress to relinquish to him their proportion of the penalties and forfeitures which may have been incurred by said seizures, as a remuneration for his services; and the petition was read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. BROWN, ANDERSON, and DAGGETT, were appointed the committee.

THURSDAY, February 3.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the relief of Mary Philip Le Duc," in which bill they request the concurrence of the Senate.

The bill last mentioned was read, and passed to the second reading.

Mr. CAMPBELL, from the Committee on Military Affairs, reported, in part, a bill to insure uniformity in the manufacture of arms, and for the better regulation of the public armories; and the bill was read, and passed to the second reading.

The bill for the relief of William Stothart and Josiah Starkey, having been reported by the committee correctly engrossed, was read the third time, and passed.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

I transmit to the Senate of the United States reports of the Secretary of War and Secretary of the Navy, complying with their resolution of the 3d ultimo,

JAMES MADISON.

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On motion, by Mr. CAMPBELL, the bill, which originated in the Senate, to increase the bounty to be allowed persons who shall enlist in the Army of the United States, and to promote the recruiting service, was postponed indefinitely.

Mr. CAMPBELL, from the Committee on Military Affairs, to whom was referred the bill, entitled "An act to raise five regiments of riflemen," reported it with amendments.

MARYLAND MEMORIAL.

Mr. GOLDSBOROUGH presented the memorial of the House of Delegates of the State of Maryland, on the awful condition of national affairs in general, and the exposed and defenceless situation in which that State in particular, has hitherto been left by the General Government, under the calamities of a war, which, with the consequent measures thereon, they highly disapprove, and earnestly entreating the national authorities to furnish them the necessary munitions and means of defence, together with a speedy reimbursement of the moneys already advanced by the State for those purposes; and that the negotiations for peace, about to be instituted, may be carried on with a just and earnest intention of bringing them to an amicable result.

In presenting the memorial, Mr. GOLDSBOROUGH addressed the Chair as follows:

Mr. President: In obedience to the commands of the House of Delegates of Maryland, I have the honor to present to the Senate the address of that honorable body to the President and Congress of the United States.

The substance of the address, sir, is a strong and able view of the present situation of our national affairs; a faithful and emphatical description of the exposed and defenceless condition of the State; and a dignified petition, *in the true spirit of the Constitution*, for efficient protection and defence. It sketches in glowing colors, and from comprehensive views, the leading causes of the war, and concludes with an earnest and respectful entreaty to the constituted authorities of the nation that they would avail themselves of the present auspicious moment to stay the horrors and calamities that oppress us, and once more restore to our country and its citizens the blessings of peace.

The address then being read by Mr. G., he made a motion that it should be printed.

To this motion, Mr. BLEDSOE, of Kentucky, objected, and called for the ayes and noes.

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Some other gentlemen asked what had been the usual course adopted in such cases?

MR. GOLDSBOROUGH said: I am surprised and mortified at the opposition of the honorable Senator from Kentucky. If, sir, I had asked for an extraordinary favor, the discretion of the Senate might have been exercised on the occasion; but as my motion extends only to the customary forms, through which such addresses are permitted to go, I hold the objection unwarranted and unsound. I have before me precedents exactly analogous to this case, which took place no longer ago than the last winter session.

[Mr. G. then read from the journals of the Senate the case of an address from the citizens of Charleston approving the war, presented by Mr. GAILLARD, and on his motion it was printed without opposition. Another case of an address from Boston disapproving the war, presented by Mr. LLOYD, of Boston, and on his motion it was printed without opposition. Another case of an address from the citizens of Richmond approving the war, presented by Mr. GILES; but neither Mr. GILES, nor any other member having made a motion to print it, of course it was not printed.]

These, sir, continued Mr. G., are sufficient precedents to justify the motion I have made. More might be had if more were necessary. Your journals abound with cases in point. I again repeat, sir, that I do not attempt to ask any unusual or special favor to be shown to this address. I claim for it only the ordinary respect that is due in such cases, and this I demand as a right. Yes, sir, as the representative of Maryland on this floor, I demand in the name of the freemen of that State, whose rights are here asserted, and whose complaints are here respectfully set forth, that this address receive that customary and established respect and attention to which the voice of the people, or their delegates, is so highly entitled.

The opposition to the address was persevered in, and sustained by Messrs. GILES, BLEDSOE, and TAYLOR. The motion to print was advocated by Messrs. WELLS, GORE, KING, FROMENTIN, and GOLDSBOROUGH.

The chief grounds of the opposition were, that no practical result was to grow out of the measure; that sufficient respect had already been paid by receiving the address; that a vote to print it would commit the advocates of the war, as it might be construed into a vote of approbation of its contents; that the language was not altogether decorous, and that it called in question the motives of the friends of the war; that although it contained strong censure against the conduct of the French Emperor, there was no complaint against the wrongs of Great Britain.

The Constitutional rights of majorities and minorities, together with the rights of the people, or of either branch of the State Legislatures, to address Congress, were incidentally examined and discussed. It was also objected, that this was the address only of a part of the Legislature.

MR. WORTHINGTON rose and asked the honor-

able Senator from Maryland, if he contemplated any measure to arise from this address, or whether he intended to ground any legislative act on it? He wished an answer on this point.

MR. GOLDSBOROUGH said:—As I have nothing to conceal on this subject, sir, I take pleasure in gratifying the honorable Senator from Ohio with a frank reply. At this moment I have no intention of founding any legislative act upon this address, because some of its most important objects have already been referred to the Committee on Military Affairs. But I am not prepared to say that I will not do so at a future day; it may depend upon the progress of that committee. But this can be no fair objection to the proposition I have made. Confiding in that great Constitutional right which has ever been deemed inviolable, that the people, or any portion of them, the Legislatures of the States, or either branch of them, may address Congress upon all subjects involving their interests; relying, too, upon the sense of justice, as well as the courtesy of this honorable Senate, I could never have anticipated the opposition that this address has met with.

If no practical result is to grow out of this address, as has been supposed by the honorable gentleman from Virginia near me, (MR. GILES,) it will be alone ascribable to the President and Congress. It depends on them what results are to flow from it. The situation of the State of Maryland, in these disastrous times, is peculiarly alarming and interesting, and ought to recommend her to the parental care of those whose immediate duty it becomes to watch over the common interest, and to provide for the general welfare. The House of Delegates of Maryland, consisting of the immediate Representatives of the people of that State, have, with a vigilance that does them honor, most faithfully interested themselves in behalf of their fellow-citizens, to procure for them that aid which their perilous and exposed condition so loudly called for. They have, in the name of the people they represent, handed in an address to the high authorities of this nation, in which they express, in language unquestionably consistent with the utmost decorum and becoming the responsible station which they fill, their views of public measures, and their influence upon the country. They call on you in a voice, modulated by the Constitution, to which you must attend, if you are not deaf to the claims of justice and dead to the feelings of sympathy, to throw around them your protection, to cover their nakedness, and to guard them from the ravages of an incensed enemy; and they entreat you, in a strain of no ordinary pathos, to pursue the present negotiation for peace with a sincere and ardent zeal for its attainment, thus to relieve our drooping spirits from the calamities of war, and all its incidental horrors and oppressions. What subjects could exist that more imperiously call for the expression of public opinion than these? What subjects more properly deserve to give rise to practical results? To have done less, on the part of the delegates of Maryland, would have evinced a criminal apathy

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at a moment of general public excitement. To have done less would have argued a torpid insensibility to the wishes, the grievances, and the afflictions of the people.

An objection is also intended against the language of the address, that motives are questioned. I am persuaded, sir, that upon a nearer and more dispassionate view, the objection will vanish. However it may combat the policy of measures, it is silent upon motives; and if the phraseology, as has been remarked by my honorable friend from New York, (Mr. KING,) is not sufficiently diluted, it must be ascribed to that dignity of feeling which is always entertained when our country's welfare is at stake, and to that boldness of thought with which the anxieties of a free people will always inspire those who are intrusted with their confidence. It would have been as unnecessary as indecorous to have questioned the motives of gentlemen; and believe me, sir, as a just tribute to the Maryland House of Delegates, as well as in duty to myself, I must say, I know that body would be incapable of a studied act of indecorum against this or any other department of the Government; or, could it have been otherwise, that a different organ must have been found to have conveyed to you the address than the one that has been selected.

If it is a fault that epithets of opprobrium have been thrown out against the Emperor of France, and none against the conduct of Great Britain, that charge I shall neither attempt to "palliate or deny;" and the only justification I shall offer is, that the wrongs of France, which are as gigantic as they can be, seem not to be so universally estimated and condemned, as their flagitiousness demands, whilst the wrongs of Great Britain are conceded on all sides. We know them, we have felt them, we wish them not to be covered up. But, as on this point there is no difference of opinion among us, (except as to the remedy to be pursued) the authors of the address would as soon have thought of putting into it any threadbare maxim, or self-evident proposition, and called it novelty, as to have considered it necessary to have declared their knowledge of the wrongs of Great Britain. Yes, sir, they, as well as we, have felt the wrongs of Great Britain—they have indignantly felt them, and they wish a similar sensation should be excited against equally unjust and more atrocious conduct on the part of other foreign nations. Not that they wish a war with France, but the contrary: because, that, by an exactness of conduct and feeling towards each, we might have escaped hostilities with either.

It is urged that a vote to print this address might be construed into an approbation of its contents. This, surely sir, is not a necessary or a fair inference. That it has never been so construed, appears from the precedents I produced this morning; and as the style is entirely within the usual Parliamentary limits, I can conceive no objection against its being printed. It has been stated also, that this is the address of a part of the Legislature, and therefore an objection will be against it. This doctrine, sir, is as novel as er-

roneous. What! cannot any portion of the people petition Congress? Is it not competent to either branch or a part of a branch, of a State Legislature, to lay before Congress their prayers, or their opinions upon public subjects? And are you to inquire here, whether they are of this or that political sect, of the majority or of the minority? Wretched and abject, indeed, is the state of man, when his admission to the exercise of Constitutional rights is made a question of! The rights of minorities are perfect; they are established and guaranteed by the Constitution of the country. To participate in these, we are no suppliants to your grace—we appeal boldly to your sense of duty; and if you deny us there, we demand it in the name of justice, as our right. The established and hitherto defined rights of the people, thus exercised by minorities, so far from being denied, they must not even be questioned. And whenever the time shall come (which, I hope, will not speedily arrive) when these rights are attempted to be invaded or trampled on, nothing will then remain to the minority, but taking the Constitution as their guide, and planting themselves behind its ramparts, to triumph in its defence, or perish amidst its ruins.

I fear, sir, from what has been urged, that an erroneous impression may be entertained of the source of this address. Allow me, for a moment, to explain. The Legislature of Maryland is composed of two branches, which are differently elected, and for different periods of time. The Senate exists for five years; the House of Delegates are annually elected. The former was appointed previous to the declaration of war; the latter, being annually appointed, are the true criterion of the public sentiment. If it is desired to know the state of parties in the House of Delegates, I answer, that more than twelve counties out of nineteen returned, to the two last sessions, members opposed to the war. These constituting a large majority of the House of Delegates, the address came from that body in which the majority existed. What were the numbers of the attending members at the time the vote passed, I know not, nor is it material. This address, then, comes from the predominant party (if you please) in the House of Delegates; and in this I can see nothing that detracts from its value or destroys its authority.

Permit me, sir, also to state that, although this address is the work of the delegates of the people opposed to the war, and was the armor of those who always combated the policy of its declaration, yet, believe me, it contains a subject, and that the most material and interesting part, too, to which, I am persuaded, all parties in the State would cheerfully subscribe—I mean, sir, the exposed and defenceless condition of the State, which it portrays in such vivid colors, and the earnest petition it prefers to you for some protection and succor. This disastrous condition of the State is a melancholy fact, that stares all parties in the face, and fills all hearts with anxiety. On this point, there is as perfect a coincidence of feeling as there is concert of action. We all know

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our unprotected state, and we all wish and ask for assistance. We think we ought to have it.

Much, sir, has been said of the ferocious character of the enemy. The outrages at Hampton; the conflagration at Havre de Grace, at Frenchtown, at Buffalo, and Black Rock, have been often exhibited to our view to rouse the slumbering vengeance of the nation. Sir, I have nothing to say against the just censure of cruel and atrocious conduct. My heart is already filled with the anguish that this war has caused it. I am as unconcerned at the epithets of opprobrium which gentlemen may please to indulge themselves in against the bloody and cruel acts of the enemy, as any of their friends are. They may pile contumely and reproach and scorn and curses upon each other against the enemy, until the structure is as high as the Alps, and I will neither murmur at this work, nor rob the edifice of one atom of its materials. But, at that moment of fervid feeling, when the mind is thus sensitive to every wrong, and the heart is glowing with indignation, I make my appeal to you in behalf of the exposed inhabitants of Maryland; and I ask you, will you not give them some protection against this merciless foe? Will you abandon them to the shocking embrace of the violator? Will you leave them unprotected against the predatory cruelties of this relentless enemy? Will you yield up your countrymen, together with the sources of their happiness and of their subsistence, a resistless prey to the fury of an enemy, blackened, from your own account, with every crime, and bloody with every cruelty, and hateful for every abomination? If, with this conviction in your hearts, and these expressions on your lips, you withhold from us the means of ample and efficient protection, we shall consider ourselves as the intended victims of a cold blooded, relentless treachery, that hands us over to the sacrifice without a pang. Thus abandoned to our wretched fate, by those who ought to be our guardians; thus severed from their favor, and exiled from their care, we must do justice to our own cause, and, in the last resort, prepare to meet the crisis that may arise. Yet, sir, I hope that this can never occur in our times. It is impossible but that those who rule us should give ear to our complaints, and grant us the comfort we ask. A spirit of philanthropy would yield it, if a sense of duty was wanting. And I do trust, sir, that on all occasions, when we make our appeals to the constituted authorities of the country, we shall experience in return the combined influence of duty, of justice, and of mercy.

An alarming crisis has been hinted at by the honorable gentleman from Virginia, (Mr. GILES,) as likely to grow out of the heat and animosities of party feeling. I submit to the justness of the remark, as I have done to many others by which I have been instructed, that have fallen from that honorable Senator since I have had the pleasure of knowing him. It is too true, that his anticipations are too well founded. With him, I deplore it most sincerely. But, I have nothing to reproach myself with on this score. They who know me best will acquit me. To put off, and,

if possible, to prevent the apprehended evil, it is better not to question ancient and established rights too closely—not to graduate them too much with rigid nicety. When pressed to the farthest line of retreat, a jealousy begins to grow, which discloses all its views. On this point, there is no compromise; and, as a Representative of a State, I can capitulate upon no terms short of full Constitutional right.

The question was then taken on the motion to print the memorial, and decided as follows:

YEAS—Messrs. Brown, Daggett, Dana, Fromentin, German, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Mason, Stone, and Wells.

NAYS—Messrs. Anderson, Bledsoe, Campbell, Chace, Condit, Gaillard, Giles, Howell, Lacock, Leib, Morrow, Taylor, Turner, Varnum, and Worthington.

Ayes 15, nays 15—so the question was lost.

FRIDAY, February 4.

The VICE PRESIDENT of the United States attended.

Mr. BROWN presented the memorial of Thomas Cooper and others, citizens of Feliciana parish, in the State of Louisiana, praying to be confirmed in the possession of certain tracts of land, located and improved by them before the cession of Louisiana to the United States, for reasons stated at large in the memorial; which was read, and referred to a select committee to consist of five members, to consider and report thereon by bill or otherwise; and Messrs. BROWN, FROMENTIN, ANDERSON, KING, and MORROW, were appointed the committee.

Mr. FROMENTIN presented the petition of Richard Relf and others, assignees of the creditors of Claude Bougaud, a citizen of the State of Louisiana, an insolvent debtor, representing that among the property of the said Bougaud are three several tracts of land in the Mississippi Territory, praying the titles thereof to be confirmed, for reasons stated at large in the petition; which was read, and referred to the committee last mentioned, to consider and report thereon by bill or otherwise.

The bill, entitled "An act for the relief of Mary Philip Le Duc," was read the second time, and referred to the committee last mentioned.

The bill to insure uniformity in the manufacture of arms, and for the better regulation of the public armories, was read the second time.

Mr. BROWN, from the committee to whom was referred the bill, entitled "An act for the relief of Daniel Boone," reported it without amendment.

The PRESIDENT laid before the Senate the report of the acting Secretary of the Department of Treasury, prepared in conformity with the act of March 3, 1809, further to amend the several acts for the establishment of the Treasury, War, and Navy Departments; which, together with the accompanying documents, was read.

The PRESIDENT also communicated a report from the acting Secretary of the Treasury, exhibiting the sums respectively paid to each clerk, in the several offices of that department, for ser-

vices rendered in the year 1813, made in obedience to the provisions of the act of April 21, 1806, to regulate and fix the compensation of clerks; and the report was read.

The Senate resumed, as in Committee of the Whole, the bill concerning patents for useful discoveries and inventions.

On the question, Shall this bill be engrossed and read a third time? it was determined in the negative.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act to raise five regiments of riflemen," together with the amendment reported thereto by the select committee, which was agreed to, and the President reported the bill to the House accordingly, and the bill was ordered to be read a third time as amended.

On motion, by Mr. CAMPBELL, the Committee on Military Affairs, to whom was referred, on the 10th of January, the petition of Alexander Smyth, was discharged from the further consideration thereof, and it was referred to the Secretary for the Department of War.

On motion, by Mr. WORTHINGTON, the report of the Commissioner of the General Land Office on the survey of the Virginia military reservation, communicated the 19th of January, 1813, was referred to Messrs. BROWN, FROMENTIN, ANDERSON, KING, and MORROW, the committee this day appointed, to consider and report thereon by bill or otherwise.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to authorize the President to retain in service certain volunteer corps;" in which bill they request the concurrence of the Senate.

The bill last mentioned was read, and passed to the second reading.

MONDAY, February 7.

The amendments to the bill, entitled "An act to raise five regiments of riflemen," having been reported by the committee correctly engrossed, the bill was read the third time as amended, and passed; and on motion, by Mr. FROMENTIN, the title was so amended as to strike out "five," and insert "three."

Mr. DAGGETT presented the memorials of Isaac Mills, Joseph Wakeman, and Erastus Huntington, and others, citizens of the State of Connecticut, non-resident proprietors of lands and houses in the State of Ohio, on the subject of the direct tax; which were read, and referred to the committee to whose consideration, on the 24th of January, the memorials of William Hart and Henry Champion, and others, on the same subject, were referred, to consider and report thereon by bill or otherwise.

The PRESIDENT communicated the report of the Commissioners of the Sinking Fund, stating that the measures which have been authorized by the Board subsequent to their last report, of the 6th of February, 1813, so far as the same have been completed, are fully detailed in the report

of the acting Secretary of the Treasury to this Board, dated the fourth day of the present month, and in the statements therein referred to, which are herewith transmitted, and prayed to be received as part of this report; which was read.

Mr. BLEDSOE presented the petition of John Aiken, of Boston, and Pearl Spafford, of Deer Island, both in the Commonwealth of Massachusetts, stating that they were claimants of the sloop Traveller and cargo, which had been seized for an alleged violation of the revenue laws; that, after appraisement, they gave bond for the amount, which they paid upon the vessel and cargo being decreed forfeited; and that among the cargo were thirteen casks of card wire which had been erroneously appraised, by which they have sustained much injury, as stated at large in the petition, and praying relief; and the petition was read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. BLEDSOE, VARNUM, and DAGGETT, were appointed the committee.

Mr. SMITH presented the memorial of George P. Stephenson and others, merchants and ship-owners of Baltimore, praying a bounty may be allowed to privateers for vessels of the enemy burnt or destroyed, for reasons stated at large in the memorial; which was read, and referred to the Committee on Naval Affairs, to consider and report thereon by bill or otherwise.

The bill, entitled "An act to authorize the President to retain in service certain volunteer corps," was read the second time, and referred to the Committee on Military Affairs, to consider and report thereon.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act for the relief of Daniel Boone;" and it was ordered to the third reading.

The Senate resumed the consideration of the motion submitted on the 2d instant, by Mr. DANA: and on the question to agree thereto, it was determined in the affirmative—yeas 20, nays 6, as follows:

YEAS—Messrs. Bledsoe, Chace, Daggett, Dana, Fromentin, German, Giles, Gilman, Goldsborough, Gore, Horsey, Howell, Hunter, King, Lacock, Lambert, Smith, Turner, Varnum, and Wells.

NAYS—Messrs. Anderson, Bibb of Georgia, Brent, Condit, Morrow, and Robinson.

So it was *Resolved*, That the President of the United States be requested to cause to be laid before the Senate a statement of the names of the individuals selected from American prisoners of war, and sent to Great Britain for trial, as mentioned in his Message at the commencement of the present session of Congress, and also their respective places of residence in the United States, with the times when, and the courts where, they were admitted to become citizens of the United States, and the regiments or corps to which they belonged in the service of the United States when taken by the enemy, and the times and places of their being so taken, together with copies of any official correspondence respecting the treatment of prisoners of war, and any

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orders for retaliation on either side, which the President may judge proper to be communicated.

SECRETARY OF THE TREASURY.

The Senate resumed, agreeably to the order of the day, the resolution submitted by Mr. MASON on the 24th January.

Mr. BIBB, of Georgia, said, that when these resolutions should be discussed, he believed he could show that they were out of order, and therefore not admissible; but as he was about to propose a postponement, he should not raise the question of order. Whenever, he said, it should be ascertained by the Executive that Mr. Gallatin would not speedily return, it had been in its contemplation to appoint a Secretary of the Treasury in his stead. Late circumstances had induced the impression that his speedy arrival was at least doubtful; and he believed that the Executive had determined to appoint a Secretary for the Department over which that gentleman had presided. This was a reason sufficient to induce the mover of these resolutions to consent to postpone their consideration to Monday. If a Secretary should not at that time have been nominated, the resolutions might be taken up, and Mr. B. said he would submit the question of order to which he had before adverted. But he had, on his part, no sort of doubt the alleged vacancy in the Treasury would in the meantime be filled.

Mr. MASON expressed his earnest desire that these resolutions should be taken up at an early day. The postponement to this day had been made at the suggestion of the gentleman who now moved a further postponement, and nearly for the same reasons as were now assigned. The subject Mr. M. conceived to be all important—the more so as an opinion had been publicly expressed on this floor, when a motion was made to postpone (a day or two ago), that the office of Secretary of the Treasury was vacant. That opinion he believed was entertained by many; and, if the fact were so, it was time that something should be done on the subject. As to the alleged intention to appoint a Secretary of the Treasury, he did not know that it ought to have weight at all—the object of his motion being to declare the Constitutional law on this subject. If this motion was persisted in, Mr. M. said he must enter generally into the subject, to show why it should not prevail. As he was unwilling, however, to enter incidentally into a subject of this magnitude, if the gentleman would vary his motion to an earlier day, he would consent to the postponement.

After some conversation across the House, between Messrs. MASON and BIBB, in an undertone, Mr. BIBB varied his motion for postponement to Friday; and the motion was agreed to, *nem. con.*

TUESDAY, February 8.

The bill, entitled "An act for the relief of Daniel Boone," was read a third time, and passed.

On motion, by Mr. KING, Richard Ward had

leave to withdraw his petition, and papers accompanying the same, presented 29th of December, 1813.

On motion, by Mr. GOLDSBOROUGH, the bill, entitled "An act to authorize the transmission of certain documents free of postage," was postponed indefinitely.

Mr. KING presented the memorial of George Lewis and others, citizens of the State of New York, non-resident proprietors of lands and houses in the State of Ohio, on the subject of the direct tax; which was read, and referred to the committee, who, on the 24th of January last, had under consideration the memorial of William Hart and others, to consider and report thereon by bill or otherwise.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the better organizing, paying, and supplying the Army of the United States, together with the amendments reported thereto by the select committee; and, after debate, the further consideration thereof was postponed until to-morrow.

Mr. BRENT, from the committee appointed on the subject, reported a bill to incorporate a fire insurance company in the town of Alexandria, in the District of Columbia; and the bill was read, and passed to the second reading.

WEDNESDAY, February 9.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act attaching to the Canton district, in the State of Ohio, the tract of land lying between the foot of the rapids of the Miami of Lake Erie, and the Connecticut Western Reserve;" a bill, entitled "An act to compensate Michael Hogan for the occupation of, and damages done to his house, by a detachment of United States troops;" a bill, entitled "An act for the relief of William Piatt;" a bill, entitled "An act giving pensions to the orphans and widows of persons slain in the public and private armed vessels of the United States;" a bill, entitled "An act giving further time to purchasers of public lands to complete their payments;" a bill, entitled "An act to amend the act, entitled 'An act laying duties on notes of banks, bankers, and certain companies; on notes, bonds, and obligations, discounted by banks, bankers, and certain companies, and on bills of exchange of certain descriptions;'" also, a bill, entitled "An act to satisfy the claim of Mary Wells, executrix of William Wells." They have also passed a resolution, "directing a sword to be presented to the nearest male relative of midshipman John Clark," in which bills and resolution they request the concurrence of the Senate.

The seven bills and resolution last brought up for concurrence were read, and passed to the second reading.

The bill to incorporate a fire insurance company in the town of Alexandria, in the District of Columbia, was read the second time.

On motion, by Mr. HUNTER, it was agreed, that

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the bill to carry into effect the report made to Congress in February, 1803, by James Madison, then Secretary of State; Albert Gallatin, Secretary of the Treasury; and Levi Lincoln, Attorney General of the United States, commissioners, appointed in pursuance of the act, entitled "An act for an amicable settlement of limits with the State of Georgia, and authorizing the establishment of a government in the Mississippi Territory, in obedience to the provisions of the act supplemental to the last mentioned act," be postponed to, and made the order of the day for, to-morrow.

THURSDAY, February 10.

Mr. GAILLARD, from the Committee on Naval Affairs, reported, in part, a bill authorizing the President of the United States to cause to be built, equipped, and employed, one or more floating batteries for the defence of the waters of the United States; and the bill was read, and passed to the second reading.

On motion, by Mr. WORTHINGTON, the Committee on Military Affairs, to whom was referred, on the 31st January, the petition of Daniel Pettibone, were discharged from the further consideration thereof; and the petition was referred to the Secretary for the Department of War, to consider and report thereon to the Senate.

Ordered, That a member be added to the committee appointed on the 9th of December, on so much of the Message of the President of the United States as relates to military affairs, in place of Mr. CAMPBELL; and Mr. SMITH was elected.

The PRESIDENT communicated the reports of the Postmaster General, relative to public contracts, and the salaries of the clerks of that department; and the reports were read.

The bill, entitled "An act attaching to the Canton district, in the State of Ohio, the tract of land lying between the foot of the rapids of the Miami of Lake Erie, and the Connecticut Reserve," was read the second time, and referred to the committee appointed the 4th instant, on the petition of Thomas Cooper and others, to consider and report thereon.

The bill, entitled "An act for giving further time to purchasers of public lands to complete their payments," was read the second time, and referred to the committee last mentioned, to consider and report thereon.

The bill, entitled "An act to compensate Michael Hogan for the occupation of, and damages done to his house, by a detachment of United States troops," was read the second time, and referred to the Committee on Military Affairs, to consider and report thereon.

The bill, entitled "An act for the relief of William Piatt," was read the second time, and referred to the committee last mentioned, to consider and report thereon.

The bill, entitled "An act to satisfy the claim of Mary Wells, executrix of William Wells," was read the second time, and referred to the same committee, to consider and report thereon.

The bill, entitled "An act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States," was read the second time, and referred to the Committee on Naval Affairs, to consider and report thereon.

The bill, entitled "An act to amend the act, entitled 'An act laying duties on notes of banks, bankers, and certain companies; on notes, bonds, and obligations, discounted by banks, bankers, and certain companies; and on bills of exchange of certain descriptions,'" was read the second time, and referred to a select committee to consider and report thereon; and Messrs. BIBB, KING, and SMITH, were appointed the committee.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to provide for the return to their own districts of vessels detained by the embargo in districts other than those where they are respectively owned or belong;" also, a resolution, "appointing a committee on their part to join such committee as the Senate may appoint, to ascertain when the two Houses can be adjourned without detriment to the public service;" in which bill and resolution they request the concurrence of the Senate.

The bill last brought up for concurrence, was read and passed to the second reading.

The resolution for a joint committee was read, and passed to a second reading.

On motion, by Mr. GAILLARD, the resolution directing a sword to be presented to the nearest male relative of Midshipman John Clark was read the second and third times by consent, and passed unanimously.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to carry into effect the report made to Congress in February, 1803, by James Madison, then Secretary of State; Albert Gallatin, Secretary of the Treasury; and Levi Lincoln, Attorney General of the United States, commissioners, appointed in pursuance of the act, entitled "An act for an amicable settlement of limits with the State of Georgia, and authorizing the establishment of a government in the Mississippi Territory," in obedience to the provisions of the act supplemental to the last mentioned act.

And an amendment having been agreed to, on motion, the further consideration of the bill was postponed until to-morrow.

The Senate resumed, as in Committee of the Whole, the bill "to insure uniformity in the manufacture of arms, and for the better regulation of the public armories;" and, on the question, Shall this bill be engrossed and read a third time? it was determined in the negative.

FRIDAY, February 12.

On motion, by Mr. WORTHINGTON, the further consideration of the bill for the better organizing, paying, and supplying the Army of the United States, was postponed to, and made the order of the day for, Monday next.

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Mr. BROWN, from the committee to whom was referred the bill from the House of Representatives, entitled "An act for giving further time to purchasers of public lands to complete their payments, reported it with an amendment, which was considered and adopted; and, on motion, by Mr. MORROW, it was agreed to reconsider the last vote; and the reported amendment was rejected. The bill was then ordered to be read a third time.

The President communicated a letter from GEORGE W. CAMPBELL, notifying the resignation of his seat in the Senate; which was read, and on motion, by Mr. ANDERSON, the President was requested to notify the Executive of the State of Tennessee of his resignation.

Mr. BROWN, from the committee appointed to consider the subject, reported a bill for the relief of David Porter, a Commander in the Navy of the United States, and the bill was read, and passed to the second reading.

The Senate resumed the consideration of the joint resolution, brought up yesterday, on the subject of adjournment of the two Houses of Congress; and, on motion, it was read a second and third time by consent, and concurred in, and Messrs. ANDERSON, BIBB, and TURNER, appointed the committee on their part.

The bill, entitled "An act to provide for the return to their own districts of vessels detained by the embargo in districts other than those where they are respectively owned or belong," was read the second time, and referred to the Committee on Foreign Relations to consider and report thereon.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to carry into effect the report made to Congress in February, 1803, by James Madison, then Secretary of State; Albert Gallatin, Secretary of the Treasury; and Levi Lincoln, Attorney General of the United States, commissioners, appointed in pursuance of the act, entitled "An act for an amicable settlement of limits with the State of Georgia, and authorizing the establishment of a Government in the Mississippi Territory," in obedience to the provisions of the act supplemental to the last mentioned act.

On motion, by Mr. MORROW, to amend the bill, by inserting, in section 4, line 19, after the word "aforesaid," the following:

"Except that certificates, bearing interest as proposed in the said report, shall not be granted to the claimants, or any of them; but the indemnification which the said claimants may receive shall be in lands; or, in lieu thereof, and at their option, they may receive certificates without interest, not exceeding in amount the sum of \$5,000,000, agreeably to the propositions contained in the aforesaid report."

It was determined in the negative—yeas 12, nays 13, as follows:

YEAS—Messrs. Bibb of Georgia, Bledsoe, Brent, Condit, Gaillard, Lacock, Morrow, Robinson, Taylor, Turner, Varnum, and Worthington.

NAYS—Messrs. Daggett, Dana, Gilman, Goldsborough, Horsey, Howell, Hunter, King, Lambert, Mason, Smith, and Wells.

On motion, the further consideration of the

bill was postponed to, and made the order of the day for Monday next.

Mr. DAGGETT submitted the following motion for consideration:

Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, That, of the two hundred copies of the public journals of the Senate and of the House of Representatives of the present and every future Congress, commencing with the present session, and of the documents published under the orders of the Senate and of the House of Representatives respectively, directed, by a resolution of Congress, passed at the present session, to be printed, there shall be transmitted to each of the judges of the Supreme Court of the United States, and to each judge of a district court of the United States, in like manner as the acts of Congress are transmitted to the Executives of the several States, one copy of those which, by the aforesaid resolution, are directed to be deposited in the Library of the United States, subject to the future disposition of Congress.

MONDAY, February 14.

GEORGE M. BIBB, from the State of Kentucky, attended.

The President communicated the protest of the Legislative Council of Indiana Territory against the power which the present Governor has assumed to divide the Territory into Council Districts, without being thereto authorized by law; which was read.

The bill for the relief of David Porter, a Commander in the Navy of the United States, was read the second time.

The resolution authorizing the transmission of a copy of the public journals and documents of the Senate and House of Representatives to each of the judges of the Supreme and district courts of the United States, was read the second time, and ordered to be engrossed and read a third time.

Mr. GORE presented the petition of Daniel Hastings, in behalf of himself and Joseph Hastings, and Gilman Collamore, all of Boston, in the Commonwealth of Massachusetts, stating that they were owners of sundry goods, wares, and merchandise, imported from England, in the brig Hector, and destined for Amelia island, but that, by stress of weather, the said brig was compelled to enter the port of Bath for repairs and provisions, where the said cargo was seized and condemned without a hearing, of which they were deprived by unavoidable casualties, and praying relief; and the petition was read, and referred to the Committee on Foreign Relations, to consider and report thereon by bill or otherwise.

The bill for giving further time to purchasers of public lands to complete their payments was read a third time and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to carry into effect the report made to Congress in February, by James Madison, then Secretary of State; Albert Gallatin, Secretary of the Treasury; and Levi Lincoln, Attorney General of the United

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States, commissioners, appointed in pursuance of the act, entitled "An act for an amicable settlement of limits with the State of Georgia, and authorizing the establishment of a government in the Mississippi Territory," in obedience to the provisions of the act supplemental to the last mentioned act.

On motion, the bill was recommitted to a select committee, to consist of five members, further to consider and report thereon; and Messrs. GORE, MASON, TAYLOR, HUNTER, and BRENT, were appointed.

On motion, by Mr. MASON, the motion submitted to him on the 24th January, in relation to the Department of Treasury, was postponed indefinitely.

Mr. MASON submitted the following motion for consideration:

"*Resolved*, That a committee be appointed to inquire in what cases the President of the United States may, consistently with the Constitution, be authorized by law to appoint persons, without the advice and consent of the Senate, to perform the duties of the Secretary of State; of the Secretary of the Treasury; of the Secretary of War; and of the Secretary of the Navy. And, also, to inquire whether it be necessary or expedient to repeal or amend the act of the 8th of May, 1792, entitled "An act making alterations in the Treasury and War Departments;" and the act of the 13th of February, 1795, amending the aforesaid act, and that said committee report by bill or otherwise."

The Senate resumed, as in Committee of the Whole, the bill to incorporate a fire insurance company in the town of Alexandria; and the bill was ordered to be engrossed and read a third time.

The bill authorizing the President of the United States to cause to be built, equipped, and employed, one or more floating batteries for the defence of the waters of the United States, was read the second time and considered as in Committee of the Whole; and ordered to be engrossed and read a third time.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to continue in force 'An act to raise ten additional companies of rangers,'" in which they request the concurrence of the Senate.

The bill last mentioned was read, and passed to the second reading.

On motion, by Mr. SMITH, a member was added to the committee on the petition of the President and Directors of the Bank of the Metropolis, in place of Mr. CAMPBELL, and Mr. GORE was elected.

Mr. DAGGETT presented the memorial of George Richards, and others, non-resident proprietors of lands and houses in the State of Ohio, on the subject of direct taxes.—Referred to the committee appointed the 24th of January, who have under consideration the several petitions heretofore presented on the same subject, to consider and report thereon by bill or otherwise.

Mr. GILES presented the petition of Thomas Janney, and others, praying an act of incorporation, under the title of the "Columbia Manufac-

turing Company," for reasons stated at large in the petition; which was read, and referred to a select committee to consider and report thereon by bill or otherwise; and Messrs. GILES, BRENT, and HORSEY, were appointed the committee.

Mr. WORTHINGTON, from the Committee on Military Affairs, to whom was referred the bill, entitled "An act for the relief of William Piatt," reported it without amendment, and the bill was ordered to the third reading.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of

Representatives of the United States:

At the request of the Legislature of Pennsylvania, conveyed through the Government of that State, I transmit to Congress copies of its resolutions of the 18th ultimo.

JAMES MADISON.

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The Message on the resolutions of the Pennsylvania Legislature, together with the resolutions, were read.

Mr. KING presented the petition of Samuel Augustus Barker, of New York, stating that he entered the Army at a very early period of the Revolutionary war; that he served therein until the year 1782, in various grades, when domestic concerns compelled him to resign; and that he hath not since received his seven years' pay as a captain, and in commutation of half pay, and praying redress, as is stated at large in the petition; which was read, and referred to the Committee on Military Affairs, to consider and report thereon by bill or otherwise.

On motion, by Mr. SMITH, a select committee, to consist of five members, was appointed on so much of the Message of the President of the United States, at the commencement of the session, as relates to the militia thereof, to consider and report thereon by bill or otherwise; and Messrs. SMITH, VARNUM, ANDERSON, BIBB, of Kentucky, and GILES, were appointed the committee.

TUESDAY, February 15.

Mr. BLEDSOE presented certain resolutions of the Legislature of the State of Kentucky, expressive of their confidence in the administration of the General Government, and approbatory of the measures pursued; and the resolutions were read.

Mr. BLEDSOE also presented the memorial and resolutions of that Legislature, relative to the division line between the State of Kentucky and of Tennessee, and praying such provisions as may be necessary for the purpose of regulating the jurisdiction and prescribing the mode of proceeding in cases of controversy between the different States; which were read.

Mr. GILES called up the report of the Secretary for the Department of War, made 14th July, 1813, on the memorial of William Tatham; which was read, and referred, together with certain papers accompanying it, to a select committee, to consider and report thereon by bill or

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otherwise; and Messrs. GILES, SMITH, and KING, were appointed the committee.

The bill, entitled "An act to continue in force the 'Act to raise ten additional companies of rangers,'" was read the second time.

The motion submitted yesterday by Mr. MASON for consideration was resumed; and, on motion, by Mr. GORE, Messrs. MASON, GILES, and KING, were appointed the committee proposed.

Mr. WORTHINGTON, from the Committee on Military Affairs, to whom was referred the bill, entitled "An act to authorize the President to retain in service certain volunteer corps," reported it with amendments, which were considered as in Committee of the Whole, and adopted; and the President reported the bill to the Senate accordingly; and the bill was ordered to be read a third time as amended.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to establish the mode of laying off the Territory of Indiana into districts, for the election of its members of the Legislative Council;" also, a bill, entitled "An act for the relief of James Crawford;" in which bills they request the concurrence of the Senate.

The two bills last brought up for concurrence were read, and passed to the second reading.

The bill to incorporate a fire insurance company in the town of Alexandria, in the District of Columbia, was read a third time; and, on motion, by Mr. BRENT, was amended by unanimous consent, and passed.

The joint resolution authorizing the transmission of a copy of the public journals and documents of the Senate and House of Representatives to each of the judges of the Supreme and district courts of the United States, was read a third time, and passed.

The bill authorizing the President of the United States to cause to be built, equipped, and employed, one or more floating batteries for the defence of the waters of the United States, was read a third time, and passed.

The bill for the relief of David Porter, a Commander in the Navy of the United States, was resumed; and, after debate, postponed until to-morrow.

The bill, entitled "An act for the relief of William Piatt," was read a third time, and passed.

WEDNESDAY, February 16.

The amendment to the bill, entitled "An act to authorize the President to retain in service certain volunteer corps," was read a third time as amended; and further amended by consent, and passed with amendments; and, on motion, by Mr. WORTHINGTON, the title was amended, by striking out the words "retain in," and inserting, in lieu thereof, "receive into."

Mr. HUNTER, from the committee appointed to consider the subject, reported a bill for the relief of John Cahoone, and others, and the bill was read, and passed to the second reading.

The bill, entitled "An act to establish the mode of laying off the Territory of Indiana into districts, for the election of its members of the Legislative Council," was read the second time.

The bill, entitled "An act for the relief of James Crawford," was read the second time, and referred to the committee appointed the 4th instant on the petition of Thomas Cooper, and others, to consider and report thereon.

On motion, by Mr. DANA, the bill concerning field officers of the militia and officers of the staff was referred to the committee appointed the 14th instant on so much of the Message of the President of the United States as relates to the militia thereof, to consider and report thereon.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to continue in force 'An act to raise ten additional companies of rangers;'" and, no amendment having been proposed, the bill was ordered to the third reading.

The Senate resumed, as in Committee of the Whole, the bill for the relief of David Porter, a Commander in the Navy of the United States; and, on motion, by Mr. BROWN, it was agreed that the bill be recommitted; and Messrs. BROWN, ANDERSON, and DAGGETT, were appointed the committee, further to consider and report thereon.

Mr. KING, from the committee to whom was referred the bill, entitled "An act to amend the act, entitled 'An act laying duties on notes of banks, bankers, and certain companies; on notes, bonds, and obligations, discounted by banks, bankers, and certain companies; and on bills of exchange of certain descriptions,'" reported it without amendment; and the further consideration thereof was postponed to Monday next.

Mr. TAYLOR, from the committee to whom was referred the bill, entitled "An act to provide for the return to their own districts of vessels detained by the embargo in districts other than those where they are respectively owned or belong," reported it without amendment. And the bill was considered as in Committee of the Whole, and amended; and, on motion, by Mr. DANA, to further amend the bill, it was agreed to take this question by yeas and nays; and, on motion, by Mr. TAYLOR, the further consideration thereof was postponed until to-morrow.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the relief of Henry Fanning;" in which bill they request the concurrence of the Senate.

The bill last mentioned was read, and passed to the second reading.

THURSDAY, February 17.

The bill for the relief of John Cahoone and others was read the second time.

The bill, entitled "An act for the relief of Henry Fanning," was read the second time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the better organizing, paying, and supplying, the Army of

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the United States; and, the bill having been amended, the further consideration thereof was postponed until to-morrow.

The bill, entitled "An act to continue in force an act to raise ten additional companies of rangers," was read a third time, and passed.

On motion, by Mr. TAYLOR, the further consideration of the bill, entitled "An act to provide for the return to their own districts of vessels detained by the embargo in districts other than those where they are respectively owned or belong," was postponed to Monday next.

Mr. CHACE, from the committee appointed on the subject, reported a bill for the relief of Simeon Knight; and the bill was read, and passed to the second reading.

FRIDAY, February 18.

Mr. GILES presented the petition of John G. Cunow, acting in behalf of the directors of the missionary concerns of the Society of the United Brethren, stating that this society have been at great expense and trouble to instil into the aborigines of America the principles of Christianity; that their labors have not been altogether unsuccessful; that a settlement of Indians was effected under their auspices in Canada, on the river Retrench or Thames, where civilization and religion were producing the happiest effects; but, by the entrance of the Army of the United States into their village, under the command of Major General Harrison, the melancholy sight was presented to the missionary and the inhabitants of the total destruction of their houses and other improvements, the labor of years, by that army, and praying indemnification; and the petition was read, and ordered to be printed for the use of the Senate.

Mr. HORSEY, from the committee appointed to consider the subject, reported a bill to authorize the Secretary of the Treasury to subscribe, in behalf of the United States, for seven hundred and fifty shares in the capital stock of the Chesapeake and Delaware Canal Company; and the bill was read, and passed to the second reading.

On motion, by Mr. WORTHINGTON, the further consideration of the bill for the better organizing, paying, and supplying the Army of the United States, was postponed to Monday next.

The bill for the relief of Simeon Knight was read the second time.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act to establish the mode of laying off the Territory of Indiana into districts, for the election of its members of the Legislative Council;" and it was ordered to the third reading.

The bill, entitled "An act for the relief of Henry Fanning," was resumed; and, on motion, by Mr. GERMAN, referred to a select committee, to consider and report thereon; and Messrs. GERMAN, VARNUM, and ANDERSON, were appointed the committee.

Mr. GILES presented the memorial of the justices of the peace for the District of Columbia,

praying a revision of the laws for the collection of debts under twenty dollars, and a redress of certain grievances, stated in the memorial; which was read, and referred to a select committee to consider and report thereon by bill or otherwise; and Messrs. GILES, SMITH, and HUNTER, were appointed the committee.

Mr. BIBB, of Kentucky, presented the petition of the President and Directors of the Farmers and Mechanics' Bank of Georgetown, praying an act of incorporation, for reasons stated at large in the petition; which was read, and referred to the committee appointed on the petition of the President and Directors of the Bank of the Metropolis, to consider and report thereon by bill or otherwise.

The Senate resumed, as in Committee of the Whole, the bill for the relief of John Cahoon and others; and it was ordered to be engrossed and read a third time.

MONDAY, February 21.

The bill for the relief of John Cahoon and others, was read a third time, and passed.

Mr. GORE presented the petition of Stephen Glover, of Boston, praying to be released from penalties and forfeitures incurred by an alleged violation of the non-importation laws, for reasons stated at large in the petition; which was read, and referred to the Committee on Foreign Relations, to consider and report thereon by bill or otherwise.

Mr. TAYLOR, from the committee to whom was recommitted the bill to carry into effect the report made to Congress in February, 1803, by James Madison, then Secretary of State; Albert Gallatin, Secretary of the Treasury, and Levi Lincoln, Attorney General of the United States, commissioners, appointed in pursuance of the act, entitled "An act for an amicable settlement of limits with the State of Georgia, and authorizing the establishment of a government in the Mississippi Territory," in obedience to the provisions of the act supplemental to the last mentioned act, reported it with amendments.

Mr. WORTHINGTON, from the Committee on Military Affairs, reported the bill, entitled "An act to compensate Michael Hogan for the occupation of, and damages done to, his house by a detachment of United States' troops," with amendments.

Mr. WORTHINGTON, from the same committee, also reported the bill, entitled "An act to satisfy the claim of Mary Wells, executrix of William Wells," with amendments.

The bill to authorize the Secretary of the Treasury to subscribe, in behalf of the United States, for seven hundred and fifty shares in the capital stock of the Chesapeake and Delaware Canal Company, was read the second time.

Mr. GILES presented the petition of John Thompson, praying interest may be allowed him on the balance of an account awarded in his favor by the accounting officers of the Treasury, agreeably to the act of May 8, 1812; and the pe-

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tion was read, and on motion, by Mr. GILES, that it be referred to a select committee to consider and report thereon, it was determined in the negative.

The bill, entitled "An act to provide for the return to their own districts of vessels detained by the embargo in districts other than those where they are respectively owned or belong," was resumed as in Committee of the Whole, and postponed until to-morrow.

Mr. GILES gave notice that to-morrow he should ask leave to bring in a bill to amend the act, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions."

The bill, entitled "An act to establish the mode of laying off the Territory of Indiana into districts, for the election of its members of the Legislative Council," was read a third time, and passed.

The bill for the relief of Simeon Knight was resumed as in Committee of the Whole, and ordered to be engrossed and read a third time.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act to satisfy the claim of Mary Wells, executrix of William Wells," together with the amendments reported thereto by the select committee; and, on the question, Shall the amendments be engrossed, and the bill read a third time as amended? it was determined in the negative—yeas 10, nays 14, as follows:

YEAS—Messrs. Anderson, Bibb of Kentucky, Bledsoe, Brent, Morrow, Robinson, Smith, Tait, Taylor, and Worthington.

NAYS—Messrs. Condit, Daggett, Dana, German, Giles, Gilman, Gore, Howell, King, Lambert, Mason, Turner, Varnum, and Wells.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act to compensate Michael Hogan for the occupation of, and damages done to, his house, by a detachment of United States' troops," together with the amendments reported thereto by the select committee.

On the question, Shall the amendments be engrossed, and this bill be read a third time as amended? Mr. GERMAN moved that the further consideration thereof be postponed to the first Monday in December next; which was determined in the negative.

On motion, by Mr. WORTHINGTON, that the further consideration thereof be postponed until to-morrow, it was determined in the negative; and, the question recurring, Shall the amendments be engrossed and this bill be read a third time as amended? it was determined in the negative.

The PRESIDENT communicated a letter from Alexander Smyth, together with sundry documents.

Mr. GAILLARD, from the Committee on Naval Affairs, to whom was referred the bill, entitled "An act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States," reported it without amendment.

Mr. GERMAN, from the committee to whom was referred the bill, entitled "An act for the relief of Henry Fanning," reported it without amendment.

TUESDAY, February 22.

The bill for the relief of Simeon Knight was read a third time; and, after debate, the further consideration thereof was postponed until to-morrow.

The PRESIDENT communicated the general account of the Treasurer of the United States, from October 1, 1812, to October 1, 1813; as, also, the accounts of the War and Navy Departments for the same period, together with the reports of the accounting officers of the Treasury thereon; which were read.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to authorize the issuing of Treasury notes for the service of the year 1814," in which bill they request the concurrence of the Senate.

The bill last mentioned was read, and passed to the second reading.

Mr. GILES asked and obtained leave to bring in a bill to amend the act, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;" and the bill was read, and passed to the second reading.

On motion, by Mr. BLEDSOE, the memorial and resolutions of the Legislature of the State of Kentucky, relative to the division line between that State and the State of Tennessee, presented the 15th instant, was referred to a select committee to consist of five members, to consider and report thereon by bill or otherwise; and Messrs. BLEDSOE, GILES, ANDERSON, DAGGETT, and KING, were appointed the committee.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to provide for the return to their own districts of vessels detained by the embargo in districts other than those where they are respectively owned or belong;" and, on the question to agree to the amendment proposed by Mr. DANA the 16th instant, as follows: "Provided always, That nothing contained in this act, or in the act aforesaid, shall be construed to prevent the people of any one State from carrying on trade between places within the same State;" it was determined in the negative—yeas 7, nays 12, as follows:

YEAS—Messrs. Daggett, Dana, Gilman, Gore, Hunter, Lambert, and Mason.

NAYS—Messrs. Anderson, Bledsoe, Condit, Giles, Howell, Lacoock, Morrow, Stone, Tait, Taylor, Varnum, and Worthington.

On motion, by Mr. MASON, to strike out, of section 4, line 6, "on public account," and insert, in lieu thereof, "being the property of the United States," it was determined in the negative—yeas 10, nays 13, as follows:

YEAS—Messrs. Anderson, Daggett, Dana, Gilman, Gore, King, Lambert, Mason, Smith, and Stone.

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NAYS—Messrs. Bledsoe, Brent, Chase, Condit, German, Giles, Howell, Lacock, Morrow, Robinson, Tait, Taylor, and Varnum.

And the bill having been amended, the President reported it to the House accordingly, and it was ordered to be read a third time as amended.

WEDNESDAY, February 23.

The amendments to the bill, entitled "An act to provide for the return to their own districts of vessels detained by the embargo in districts other than those where they are respectively owned or belong," was read a third time as amended, and passed.

Mr. GORE presented the petition of John S. Trott and Martin Blake, of Boston, praying to be released from the penalties and forfeitures incurred by an alleged violation of the non-impotment laws, for reasons stated at large in the petition; which was read, and referred to the Committee on Foreign Relations, to consider and report thereon by bill or otherwise.

On motion, by Mr. GILES, the committee who have under consideration the report of the Secretary for the Department of War, on the memorial of William Tatham, were discharged from the further consideration thereof, and it was referred, together with certain papers accompanying it, to the Committee on Military Affairs, to consider and report thereon by bill or otherwise.

Mr. BROWN, from the committee to whom the bill, entitled "An act attaching to the Canton district, in the State of Ohio, the tract of land lying between the foot of the Rapids of the Miami of Lake Erie and the Connecticut Reserve," reported it without amendment.

The bill, entitled "An act to authorize the issuing of Treasury notes for the service of the year 1814," was read the second time, and referred to a select committee, to consist of five members, to consider and report thereon; and Messrs. SMITH, TAYLOR, KING, TAIT, and ANDERSON, were appointed the committee.

The bill to amend the act, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions," was read the second time, and referred to the Committee on the Militia of the United States, to consider and report thereon.

The third reading of the bill for the relief of Simeon Knight was resumed: and, on motion, by Mr. CHACE, the further consideration thereof was postponed until Monday next.

On motion by Mr. TAYLOR, the further consideration of the bill, entitled "An act laying duties on notes of banks, bankers, and certain companies; on notes, bonds, and obligations, discounted by banks, bankers, and certain companies; and on bills of exchange of certain descriptions," was postponed until Monday next.

The bill for the better organizing, paying, and supplying, the Army of the United States, was resumed, as in Committee of the Whole, and further amended, and an additional amendment having been proposed, it was agreed that the further

consideration of the bill be postponed until tomorrow.

On motion, that the Senate adjourn, it was determined in the affirmative—yeas 12, nays 6, as follows:

YEAS—Messrs. Bibb of Kentucky, Chace, Condit, Gilman, Horsey, Howell, Lambert, Mason, Morrow, Robinson, Tait, and Wells.

NAYS—Messrs. Anderson, German, Gore, Smith, Varnum, and Worthington.

So the Senate was adjourned to 11 o'clock tomorrow morning.

TUESDAY, February 24.

Mr. SMITH, from the committee to whom the subject was referred, reported the bill to amend the act, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions," without amendment.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to carry into effect the report made to Congress in February, 1803, by James Madison, then Secretary of State; Albert Gallatin, Secretary of the Treasury; and Levi Lincoln, Attorney General of the United States, commissioners, appointed in pursuance of the act, entitled "An act for an amicable settlement of limits with the State of Georgia, and authorizing the establishment of a government in the Mississippi Territory," in obedience to the provisions of the act supplemental to the last mentioned act, together with the amendments reported thereto by the select committee; and, having agreed to the amendments with further amendment, the President reported the bill to the House accordingly; and, on the question, Shall this bill be engrossed and read a third time as amended? it was determined in the affirmative—yeas 23, nays 5, as follows:

YEAS—Messrs. Bibb of Kentucky, Bledsoe, Brent, Brown, Condit, Daggett, Fromentin, German, Giles, Gilman, Gore, Horsey, Howell, Hunter, King, Lambert, Morrow, Robinson, Smith, Stone, Taylor, Varnum, and Wells.

NAYS—Messrs. Gaillard, Lacock, Tait, Turner, and Worthington.

FRIDAY, February 25.

The Senate resumed, as in Committee of the Whole, the bill for the better organizing, paying, and supplying the Army of the United States; and the bill having been further amended the President reported it to the House accordingly; and it was ordered to be engrossed and read a third time as amended.

Mr. FROMENTIN, from the committee, reported the bill to carry into effect the report made to Congress in February, 1803, by James Madison, then Secretary of State; Albert Gallatin, Secretary of the Treasury; and Levi Lincoln, Attorney General of the United States, commissioners, appointed in pursuance of the act, entitled "An act for an amicable settlement of limits with the State of Georgia, and authorizing the establish-

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Patent Right of Oliver Evans.

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ment of a government in the Mississippi Territory," in obedience to the provisions of the act supplemental to the last mentioned act, correctly engrossed.

Mr. BROWN, from the committee to whom was referred the bill, entitled "An act for the relief of James Crawford," reported it amended.

PATENT RIGHTS.

Mr. SMITH, from the committee to whom was referred the memorial of Isaac McPherson and others, on the subject of the patent granted to Oliver Evans, under the act of the 21st January, 1808, entitled "An act for the relief of Oliver Evans," made a report; which was read. The report is as follows:

That in the year 1787, Oliver Evans obtained from the States of Pennsylvania, Delaware, and Maryland, laws vesting him with the exclusive right to use, in those States, the elevator and hopperboy, being inventions or improvements claimed to have been made by him in the process of the art of manufacturing flour. That, in the year 1790, he obtained a patent under the laws of the United States for the elevator and hopperboy, and also for the screw or conductor, an additional improvement in the art, claimed also as his invention and improvement; that for fourteen years (the term of his first patent) he continued to receive, from nearly all the persons employed in the art of manufacturing flour, from thirty to forty dollars (being the prices which he then deemed sufficient) for the use of the machinery for each water wheel.

That, about three years after the expiration of his patent, to wit: in the year 1807, a suit, pending in the court of Pennsylvania, was decided against him, "on the ground that his patent was deficient in form, and, therefore, invalid." It is, however, believed by your committee, that its invalidity was unknown until after the trial; and that nearly all engaged in the manufacturing of flour, during the term of his patent, had paid. A plea, however, was made by the said Oliver Evans, to wit: that little benefit had arisen to him from his patent, because of the deficiency in form thereof; and Congress, in consequence, passed a law, dated 21st January, 1808, "for the relief of Oliver Evans;" thereby granting to the said Evans, his "heirs, &c., for a term not exceeding fourteen years, the full and exclusive right and liberty of making, constructing, using, and vending to be used, his invention, discovery, and improvement in the art of making flour and meal, and in the several machines which he has invented, improved, and applied to that purpose.

That, under that act, a patent issued to the said Evans, dated 22d January, 1808, for the term of fourteen years. By the authority derived therefrom, he claims that there is secured to him, not only the exclusive privilege of using the machine specified therein, but a power to "prohibit the use of any other invention that shall accomplish the same effect, although the principles be ever so different." In proofwhereof, the said Evans has actually instituted a suit against Jeremiah Bayley, to recover damages for using his own invention, (for which he has received a patent,) which, by the application of wind, conveys wheat or flour from one part of a mill to another.

Since the passage of the said act, he, the said Evans, has demanded and received for the use of his machinery unusual, and, in the opinion of your committee, extravagant prices, to wit: for a pair of stones of four

and a half feet diameter, for which, under his first patent, he charged thirty dollars, he now demands three hundred dollars; for those of six feet, for which he formerly received forty dollars, he now charges five hundred and twenty dollars; and for a pair of seven feet stones, his demand is seven hundred and thirty-five dollars. For a mill (now building) to run five pair of stones of seven feet diameter, his demand is three thousand six hundred and seventy-five dollars, for which, under his former patent, he would only have demanded two hundred dollars.

The memorialists have produced proof to show that the said Evans is not the original inventor of any of the machinery specified in his patent, to wit: that the principles of the elevator have been known for ages, and particularly in latter years, through their use in the well known operation of the chain pump. That the hopperboy was invented by Christian Stouffer, and used in the mills of his father, brother, and others, prior to the year 1775. That the screw or conductor was invented and used by Jonathan Ellicot, prior to the date of the first patent obtained by the said Evans in 1790. It is admitted by the said Evans that he is not the *original inventor* of any of the *principles* of the machines specified in his patent, but that he is the inventor of improvements therein, and that he has combined and applied the whole to operate their present useful effects; that is to say, that he invented the leather strap, and improved and applied the principles of the chain pump to the purposes now in use for his elevator; that he has improved the hopper machine, now called the hopperboy; and that he has made some useful improvements in the conductor, and has applied it to the purposes specified in his patent. The memorialists have submitted proof to show that the elevator, by a strap, had been in use in the year 1786, in the mill of Marshal and Stroud, near the residence of the said Evans, which had been seen by him, and that, in consequence, they, Marshal and Stroud, had been exempted from payment for the use of the elevator and hopperboy, under the acts of Pennsylvania, Delaware, and Maryland.

The committee are of opinion, that the act for the relief of Oliver Evans was an act of benevolence which Congress were under no obligation to grant, his patent having expired nearly three years; that it could not have been expected that an act of such high favor would have been used for the purpose of extortion and oppression. It must have been believed that the patentee, grateful for the extraordinary favor conferred on him, would have used the right reinstated in him with moderation and temper. It is, however, with regret that the committee are compelled to state that he has abused the power vested in him by an act intended for his relief, to the oppression of individuals, by the exaction of exorbitant sums of money for the use of the machines specified in his patent, and by his attempt to prevent the use of the inventions of others, which, although entirely different in principle, are capable of operating the same effect.

To prevent the said Evans from abusing (in future) the power vested in him, the committee submit a bill to amend the act, entitled "An act for the relief of Oliver Evans."

Mr. SMITH then, from the same committee, reported a bill to amend the act, entitled "An act for the relief of Oliver Evans," and the bill was read, and passed to the second reading. And the Senate adjourned.

MONDAY, February 28.

JONATHAN ROBERTS, appointed a Senator by the Legislature of the Commonwealth of Pennsylvania, in place of Michael Leib, resigned, produced his credentials, was qualified, and he took his seat in the Senate.

Mr. SMITH, from the committee to whom was referred the bill, entitled "An act to authorize the issuing of Treasury notes for the service of the year 1814," reported it without amendment.

The Senate resumed the third reading of the bill to carry into effect the report made to Congress in February, 1803, by James Madison, then Secretary of State; Albert Gallatin, Secretary of the Treasury; and Levi Lincoln, Attorney General of the United States, commissioners, appointed in pursuance of the act, entitled "An act for an amicable settlement of limits with the State of Georgia, and authorizing the establishment of a government in the Mississippi Territory," in obedience to the provisions of the act supplemental to the last mentioned act; and the blanks having been filled, on the question, Shall this bill pass? it was determined in the affirmative—yeas 24, nays 8, as follows:

YEAS—Messrs. Bibb of Kentucky, Bledsoe, Brent, Brown, Condit, Daggett, Dana, Fromentin, German, Giles, Gilman, Gore, Horsey, Howell, Hunter, King, Lambert, Morrow, Robinson, Smith, Stone, Taylor, Varnum, and Wells.

NAYS—Messrs. Bibb of Georgia, Chace, Gaillard, Lacock, Roberts, Tait, Turner, and Worthington.

So it was *Resolved*, That this bill pass; and, on motion, by Mr. TAYLOR, it was agreed that the title thereof be "An act providing for the indemnification of certain claimants of public lands in the Mississippi Territory."

The bill to amend the act, entitled "An act for the relief of Oliver Evans," was read the second time.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to amend the act, entitled 'An act laying duties on sales at auction of merchandise, and of ships and vessels,'" a bill, entitled "An act for the relief of Samuel Ellis;" a bill, entitled "An act for the better organization of the courts of the United States within the State of New York;" also a bill, entitled "An act supplementary to an act, entitled 'An act for the relief of Thomas Wilson;" in which bills they request the concurrence of the Senate.

The four bills last brought up for concurrence were read, and passed to a second reading.

The PRESIDENT communicated the report of the Secretary for the Department of War, exhibiting the names of the clerks employed in that Department in the year 1813, with the sums allowed to each; and the report was read.

The bill for the better organizing, paying, and supplying the Army of the United States, was read a third time; and, on motion, by Mr. BROWN, the twelfth section was stricken out, by unanimous consent; and the blanks having been filled, the bill was passed.

The Senate resumed the third reading of the

bill for the relief of Simeon Knight; and on motion, by Mr. TAIT, that the further consideration thereof be postponed to the first Monday in December next, it was determined in the negative.

On motion, by Mr. CHACE, to fill the blank with "2,000," it was determined in the negative.

On motion, by Mr. SMITH, that the blank be filled with "one thousand," it was determined in the negative; and, on motion, by Mr. BIBB, of Georgia, the further consideration of the bill was postponed to the first Monday in December next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to authorize the issuing of Treasury notes for the service of the year 1814," and it was ordered to a third reading.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

It has appeared that, at the recovery of the Michigan Territory from the temporary possession of the enemy, the inhabitants thereof were left in so destitute and distressed a condition as to require from the public stores certain supplies essential to their subsistence, which have been prolonged under the same necessity which called for them.

The deplorable situation of the savages, thrown by the same event on the mercy and humanity of the American commander at Detroit, drew from the same source the means of saving them from perishing by famine; and, in other places, the appeals made by the wants and sufferings of that unhappy description of people have been equally imperious.

The necessity imposed by the conduct of the enemy in relation to the savages, of admitting their co-operation, in some instances, with our arms, has also involved occasional expense in supplying their wants; and it is possible that a perseverance of the enemy in their cruel policy may render a further expense for the like purpose inevitable.

On these subjects an estimate from the Department of War will be laid before Congress, and I recommend a suitable provision for them.

JAMES MADISON.

FEBRUARY 26, 1814.

Mr. BLEDSOE, from the committee to whom was referred the petition of John Aiken and Pearl Spafford, of Massachusetts, reported, that, in the opinion of the committee, the prayer of said petition ought not to be granted.

TUESDAY, March 1.

Mr. BROWN presented the petition of Don Ramon de Lenares Gonzales and Don Ramon de Calmenero, stating that, in consequence of improper delays of the collectors of New Orleans, and the subsequent illegal detention, by General Flournoy, of three Spanish vessels, which they had been permitted to load with provisions for La Vera Cruz, they were detained until notice of the embargo law arrived, when said vessels were ordered to be unladen, to the great injury and loss of the petitioners, who pray permission to depart with said vessels and cargoes; and the petition was read, and referred to the Committee

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on Foreign Relations, to consider and report thereon by bill or otherwise.

On motion, by Mr. MASON, a committee was appointed to consider of the expediency of providing a library for the use of the Supreme Court of the United States; and Messrs. MASON, BLEDSOE, and BROWN, were appointed the committee.

On motion, by Mr. GILMAN, a member was added to the committee appointed agreeably to the forty-second rule for conducting business in the Senate, in place of Mr. LEIB; and Mr. GAILLARD was elected.

On motion, by Mr. FROMENTIN, a member was added to the library committee, in place of Mr. LEIB; and Mr. FROMENTIN was elected.

On motion, by Mr. LACOCK, a member was added to the committee who have under consideration the petition of Stephen Girard, in place of Mr. LEIB; and Mr. ROBERTS was appointed.

The bill, entitled "An act to authorize the issuing of Treasury notes for the service of the year 1814," was read a third time, and passed.

The four bills brought up yesterday for concurrence were severally read the second time.

WEDNESDAY, March 2.

The PRESIDENT communicated the report of the Secretary for the Department of Treasury, together with a statement of the emoluments of the officers employed in the collection of the customs for the year 1813; which were read.

Mr. DANA presented the memorial of James Hillhouse and others, commissioners of the school fund of the State of Connecticut, requesting, agreeably to the instructions of the Legislature of that State, a transfer of certain United States' stock, heretofore placed to the credit of said State, to objects therein designated; which was read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. DANA, TAYLOR, and GILES, were appointed the committee.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act to amend the act, entitled 'An act laying duties on notes of banks, bankers, and certain companies; on notes, bonds, and obligations, discounted by banks, bankers, and certain companies; and on bills of exchange of certain descriptions;'" and, on motion by Mr. BIBB of Georgia, it was further postponed.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act attaching to the Canton district, in the State of Ohio, the tract of land lying between the foot of the Rapids of the Miami of Lake Erie and the Connecticut Reserve;" and, on motion by Mr. KING, the further consideration thereof was postponed to Wednesday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States;" and it was ordered to a third reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of James Crawford," together with the amendment reported thereto by the select committee; and, having agreed to the amendment, the President reported the bill to the House accordingly; and it was ordered to be engrossed, and the bill be read a third time as amended.

THURSDAY March 3.

Mr. WORTHINGTON, from the committee to whom the subject was referred, reported a bill to fix the compensations of the clerks employed in the offices of the Secretary of the Senate and Clerk of the House of Representatives; and the bill was read, and passed to the second reading.

Mr. LAMBERT presented the memorial of Mr. George Beatty and others, citizens of the State of New Jersey, non-resident proprietors of lands and houses in the State of Ohio, on the subject of the direct tax; and the memorial was read, and referred to the committee appointed on the 24th January, who have under consideration the several memorials heretofore presented on the same subject, to consider and report thereon by bill or otherwise.

Mr. HUNTER presented the petition of Henry Nimmo, of Warren, in the State of Rhode Island, praying the remission of certain duties on one hundred bales of cotton, the growth and produce of the State of Georgia, for reasons stated at large in the petition; which was read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. HUNTER, BIBB, of Georgia, and SMITH, were appointed the committee.

A message from the House of Representatives, informed the Senate that the House have passed a bill, entitled "An act for the relief of Edwin T. Satterwhite, late purser of the Vixen; also, a bill, entitled "An act concerning Shawneetown," in which bills they request the concurrence of the Senate.

The two bills last mentioned were read, and passed to the second reading.

Mr. WORTHINGTON, from the Committee on Military Affairs, reported a bill to establish an additional military academy; and the bill was read, and passed to the second reading.

Mr. BIBB, of Georgia, from the Committee on Foreign Relations, to whom was referred the bill, entitled "An act for the more effectual enforcing of the non-importation laws, by forbidding the courts to deliver to the claimants pending the trial merchandise or other articles seized under the same," reported it without amendment.

On motion, by Mr. BIBB of Georgia, the consideration of the bill, entitled "An act to amend the act, entitled 'An act laying duties on notes of banks, bankers, and certain companies; on notes, bonds, and obligations, discounted by banks, bankers, and certain companies; and on bills of exchange of certain descriptions,'" was further postponed to Tuesday next.

On motion, by Mr. HORSEY, the further con-

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sideration of the bill to authorize the Secretary of the Treasury to subscribe, in behalf of the United States, for seven hundred and fifty shares in the capital stock of the Chesapeake and Delaware Canal, was postponed to Monday next.

Mr. VARNUM presented the petition of George Ulmer, stating that he was appointed by the President of the United States to command a regiment of volunteers; but, for reasons as yet unknown, he was discharged from the service, upon which he has craved and obtained a court of inquiry, the expenses attending which will fall very heavy on him, being out of service; and praying that the same pay and emoluments may be allowed him, until a decision shall take place, as were allowed him while in service; and the petition was read, and referred to the Secretary for the Department of War, to consider and report thereon to the Senate.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act for the relief of Henry Fanning;" and it was ordered to the third reading.

The amendment to the bill, entitled "An act for the relief of James Crawford," was read a third time as amended, and passed.

The bill, entitled "An act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States," was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to amend the act, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;" and, after debate, the Senate adjourned.

FRIDAY, March 4.

Mr. MASON, from the committee appointed to consider the subject, reported a bill authorizing the purchase of a library for the use of the judges of the Supreme Court of the United States; and the bill was then read, and passed to the second reading.

The PRESIDENT communicated the report of the Secretary for the Department of Treasury, made in conformity with the sixth section of the act passed on the 1st of May, 1810, entitled "An act fixing the compensation of public Ministers and Consuls residing on the coast of Barbary, and for other purposes;" and the report was read.

The bill to fix the compensation of the clerks employed in the offices of the Secretary of the Senate and Clerk of the House of Representatives, was read the second time.

Mr. GAILLARD, from the Committee on Naval Affairs, reported a bill authorizing an augmentation of the marine corps; and the bill was read, and passed to the second reading.

Mr. ANDERSON, from the joint committee appointed to ascertain when the two Houses can be adjourned without detriment to the public service, reported, as their opinion, that they may be adjourned on Monday, the 11th day of April next; and the report was read.

Mr. TAYLOR, from the committee appointed to consider the subject, reported a bill for the relief of Joseph Brevard, and the bill was read, and passed to the second reading.

Mr. GAILLARD presented the memorial of the officers of the United States Navy, serving on the Lakes, on the inadequacy of their pay on that station; which was read, and referred to the Committee on Naval Affairs, to consider and report thereon by bill or otherwise.

The bill to establish an additional military academy was read the second time.

The bill, entitled "An act for the relief of Edwin T. Satterwhite, late purser of the Vixen," was read the second time, and referred to the Committee on Naval Affairs, to consider and report thereon.

The bill, entitled "An act concerning Shawneetown," was read the second time, and referred to the committee appointed the 4th of February, on the petition of Thomas Cooper and others, to consider and report thereon.

The bill, entitled "An act for the relief of Henry Fanning," was read a third time, and passed.

Mr. FROMENTIN presented the resolutions of the Legislature of the State of Louisiana, instructing their Senators in Congress on the subject of indemnification for the disbursements of certain individuals in taking possession of a part of that State in the year 1810; and the resolutions were read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. FROMENTIN, BLEDSOE, and BROWN, were appointed the committee.

On motion, by Mr. SMITH, the further consideration of the bill to amend the act, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions," was postponed to Tuesday next.

A message from the House of Representatives informed the Senate that the House have passed the bill which originated in the Senate, entitled "An act to incorporate a Fire Insurance Company in the town of Alexandria, in the District of Columbia," with amendments; in which they request the concurrence of the Senate.

They have passed a bill, entitled "An act to authorize a loan for a sum not exceeding twenty-five millions of dollars;" in which bill they request the concurrence of the Senate.

The bill last brought up for concurrence was read, and passed to the second reading.

MONDAY, March 7.

Mr. BIBB, of Georgia, submitted the following resolutions for consideration:

Resolved, That the President of the United States be requested to cause to be laid before the Senate such information as he may possess, calculated to show what has been the practice of Great Britain concerning her native subjects naturalized in other countries and taken in arms against her; also, what is the general practice of the nations of Europe relative to the naturali-

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zation or employment in war of the native subjects of each other.

Resolved, That the President of the United States be requested to cause to be laid before the Senate such information as he may possess, calculated to show under what circumstances, and on what grounds, Great Britain has been in the practice of refusing to discharge native citizens of the United States impressed into her service.

Resolved, That the President of the United States be requested to cause to be laid before the Senate such information as he may possess, calculated to show what has been the conduct of Great Britain relative to American seamen on board her ships of war at and since the commencement of the war with the United States.

Mr. GOLDSBOROUGH presented the memorial of John R. Plater and others, the committee appointed by the citizens of St. Mary's county, in the State of Maryland, representing the peculiar grievances under which they labor in relation to the existing war, and praying effectual redress, as is stated in the memorial; which was read, and referred to the Committee on Military Affairs, to consider and report thereon by bill, or otherwise.

Mr. ROBERTS presented the memorial of Jonathan S. Smith, of the city of Philadelphia, stating that in the year 1812 he resided at the city of Algiers, in Barbary, for commercial purposes; that, on the 21st July, the Consul General of the United States informed him of an order issued by the Dey, requiring the departure from that Regency of all American citizens by the 23d of the same; and that by this short notice he was obliged to abandon a quantity of coffee, there being no vessel in port in which he might ship it; and praying indemnity, inasmuch as the 18th article of the Treaty of Peace between the two Governments was violated; and the memorial was read, and referred to the Secretary for the Department of State, to consider and report thereon to the Senate.

The Senate resumed the consideration of the amendments of the House of Representatives to the bill, entitled "An act to incorporate a Fire Insurance Company in the town of Alexandria, in the District of Columbia," and concurred therein.

The joint resolution authorizing the President of the Senate and Speaker of the House of Representatives to close the present session by adjourning their respective Houses on Monday, the 11th day of April next, was read the second time, and the further consideration thereof postponed to Monday next.

The bill authorizing the purchase of a library for the use of the judges of the Supreme Court of the United States was read the second time.

Mr. VARNUM presented the petition of John Brazer, of Boston, in behalf of himself as part owner, and as agent for the other owners and crew, of the letter-of-marque brig *Argus*, stating that the said brig captured the British brig *Atlantic* with a cargo, which prize was afterwards recaptured by a British cruiser and carried to Halifax; from thence she proceeded on her destined voyage for Cork, but was captured by the United States frigate *Congress* and sent to Boston, where she was

condemned as lawful prize to the captors; and that, in consequence of various misfortunes sustained by the owners and crew of the *Argus*, they pray that half of the moiety of the proceeds of said prize, which has been paid into the Treasury of the United States, may be granted to them; and the memorial was read, and referred to the Committee on Naval Affairs, to consider and report thereon by bill, or otherwise.

Mr. ROBERTS presented the memorial of James Lloyd, praying compensation for the invention of a liquid combustible, applied to public use, and for services rendered, as is stated at large in the memorial; which was read, and referred to the Committee on Military Affairs, to consider and report thereon by bill, or otherwise.

The bill for the relief of Joseph Brevard was read the second time.

The bill authorizing an augmentation of the Marine Corps was read the second time.

The bill, entitled "An act to authorize a loan for a sum not exceeding twenty-five millions of dollars," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. KING, GILES, and ROBERTS, were appointed the committee.

A message from the House of Representatives informed the Senate that the House have passed the bill which originated in the Senate, entitled "An act in addition to an act, entitled 'An act allowing a bounty to the owners, officers, and crews, of the private-armed vessels of the United States,' with amendments, in which they request the concurrence of the Senate. They have passed a bill, entitled "An act authorizing the President to cause to be built or purchased the vessels therein described;" a bill, entitled "An act making appropriations for the support of the Military Establishment of the United States for the year 1814;" also a bill, entitled "An act making appropriations for the support of the Navy of the United States for the year 1814." They have also passed a joint resolution fixing the time for an adjournment of the present session of Congress; in which bills and resolution they request the concurrence of the Senate.

The three bills and joint resolution last brought up for concurrence were read, and passed to the second reading.

The amendments of the House of Representatives to the bill, entitled "An act in addition to an act, entitled 'An act allowing a bounty to the owners, officers, and crews, of the private-armed vessels of the United States,' were referred to the Committee on Naval Affairs, to consider and report thereon.

Mr. GILES presented the memorial of William Fowle and others, justices of the peace, and other citizens of the county of Alexandria, in the District of Columbia, stating, as their opinion, that the prayer of the memorial of the justices of the peace for the District of Columbia, presented the 18th ultimo, praying a revision of the laws for the collection of debts under twenty dollars, and a redress of grievances, is unreasonable and ought not to be granted, for reasons stated at large in

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the memorial; which was read, and referred to Messrs. GILES, SMITH, and HUNTER, to whom was referred the above-mentioned memorial, to consider and report thereon.

EXECUTIVE APPOINTMENTS.

The following motion was made by Mr. GORE, with closed doors, on the 28th of February last:

The President of the United States having by the Constitution power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session:

Resolved, That, in the opinion of the Senate, no such vacancy can happen in any office not before full.

Resolved, That, in the opinion of the Senate, the office of Envoy Extraordinary and Minister Plenipotentiary, to negotiate and sign a Treaty of Peace with the United Kingdom of Great Britain and Ireland, had not been filled at any time after the declaration of war upon the eighteenth day of June, A. D. 1812, and before the late recess of the Senate upon the third day of March last, when the same was not full.

Resolved, That the granting of commissions to Albert Gallatin, John Q. Adams, and James A. Bayard, to be Envoys Extraordinary and Ministers Plenipotentiary, to negotiate and sign a treaty of peace with the United Kingdom of Great Britain and Ireland, during the late recess of the Senate, as in the President's Message to the Senate of the twenty-ninth day of May last, is stated to have been done, was not, in the opinion of the Senate, authorized by the Constitution, inasmuch as a vacancy in that office did not happen during such recess of the Senate, and as the Senate had not advised and consented to their appointment: Whereupon,

Resolved, That, while the Senate venerate the authority and dignity of the office of President of the United States, and will, at all times, as a high and essential power in the Constitution, exert themselves to maintain and preserve undiminished the whole Executive authority thereby established, they owe it to the trust confided to themselves, as well as to the States, their constituents, to protect the power over appointments to office, which the Constitution has placed in that body. From these considerations, joined to the conviction that the rights of the Senate have been infringed by an important act, to the validity of which the advice and consent of the Senate were essential; the Senate find themselves called upon, by their duty to the States, and in support of the Constitution, reluctantly to protest, and they do hereby solemnly protest, against the commissioning as aforesaid of Albert Gallatin, John Q. Adams, and James A. Bayard, as an act not authorized by the Constitution, and in the performance of which, the power of the Senate has been disregarded.

Resolved, That an authenticated copy of the foregoing resolution be delivered to the President, by a committee of — members of the Senate.

On motion, by Mr. TURNER, this day having been assigned for the consideration thereof, with open doors, it was accordingly taken up.

Mr. GORE addressed the Chair as follows:

Mr. President:—The subject which occasioned these resolutions will be readily recognised to be the President's commissioning Messrs. Gallatin, Adams, and Bayard, Envoys Extraordinary, to

negotiate a Treaty of Peace with the United Kingdom of Great Britain and Ireland, during the recess of the Senate, prior to their session in May last.

When the Message of the President announced that he had commissioned these gentlemen during the recess, the supposed irregularity was noticed, and frequently made the topic of discussion. It was then remarked that, although the granting the commission during the recess might be irregular, it was not an evidence against the fitness of the gentlemen for the office to which they were named. The advice and consent of the Senate to their appointment could only give validity to the commission which would issue after the date of such advice and consent. That the nomination, with its circumstances, was sufficiently perplexing, without the addition of any difficulties that were not necessarily involved in its consideration. That the subject of the resolutions, if pressed at that time, might unduly influence in the question of appointing the Envoys, and the desire of appointing them might, on the other hand, have an improper influence in the decision of this question. The subject was therefore waived until the Senate had acted on the nomination. The resolutions were then brought forward, but this was so late in the session, that several members had gone home, and all were preparing to go. They were therefore postponed. So soon as the Senate appeared to be as full as it was expected to be this session, the resolutions were brought forward.

I have thought it not improper, sir, to make this statement, as a reason why this subject has been so long delayed, and why it is brought forward at the present time, and, I trust, under such circumstances, as will insure to it a temperate discussion, and a just decision.

The second section of the second article of the Constitution treats of the power of appointment to office, under that instrument. It constitutes and defines the authorities, in whom this power shall be vested, the circumstances in which it may be varied, and the modifications wherewith it may be exercised.

Speaking of the President, the section declares, "he shall nominate, and, by and with the advice and consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may, by law, vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments."

"The President shall have power to fill all vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of their next session."

The power of appointment is vested in the President and Senate with specified exceptions, otherwise provided for, by the Constitution itself, and of such cases of inferior officers, whose ap-

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pointments Congress may by law vest in the President alone, in the courts of law, or in the heads of departments. The depositing of this power of appointment in these two great departments of Government was, from the very nature and constitution of one of them, subject to inconvenience. The President, at all times and in all places, contains, within his own person, all the powers and authorities of his high office. This department is always in existence.

The Senate consists of various members, having no power or authority, but when legally assembled together, and acting in a body, under one head, and with their recording officers. They were neither expected nor intended to be always in session.

Vacancies in office might happen during their recess.

To guard against a failure of the public service, from this circumstance, the Constitution provides a remedy, taking especial care that the remedy shall be no greater, than to relieve against the mischief that was apprehended.

To this end, it declares that the President, one of these departments, a portion of this depository of the general authority of appointment, shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at their next session.

The power of appointment is vested, conjointly, in two branches of the Government. A case is described, in which one branch may, under special circumstances, exercise a modified power. What is that case? It is the case of a vacancy in an office, a vacancy of a certain and definitive character, viz: a vacancy that may happen during the recess of the Senate. If the vacancy happen at another time, it is not the case described by the Constitution; for that specifies the precise space of time wherein the vacancy must happen, and the times which define this period bring it emphatically within the ancient and well-established maxim: "*Expressio unius est exclusio alterius.*"

The reason why the Constitution adopts this precise language and so strictly limits the case, is evident from the spirit and intention of that instrument, in the distribution of the powers thereby created and delegated.

The intent of the Constitution was to vest the power of appointment in two departments of the Government. It would defeat its own purpose, then, were it to authorize one of these departments to exercise this power, except in the specified case in which the public interest may require immediate action, and the other could not be convened seasonably for this purpose.

An office is created by the Constitution, or by some law in pursuance thereof. A vacancy may be said to exist in such office, immediately after its creation. Such, however, is not the case provided for by the clause under examination. It is the case of a vacancy that may happen during the recess of the Senate.

If the vacancy existed during the session, it

could not be said to have happened during the recess; that is, within a period which, *ex vi terminorum*, excludes the very time when it did happen.

If a vacancy happen in an office, the office must have been before full; for, to assert that a vacancy has happened, necessarily implies the fact, that such office had previously an incumbent—that it was before full. If a vacancy exist prior to, it does not happen in the recess of the Senate. Therefore, for a vacancy to happen at any time in an office, that office must have been full at some time previous to the period when it did happen; for a vacancy to happen during the recess of the Senate, the office must have been full during their session prior to, and at the commencement of their recess. Were it not for the precision of language used in this grant to the President, and the unavoidable construction thereof, a great and manifest object of the Constitution, viz: the vesting the power of appointment in two great organs of the Government, the President and the Senate, might have been totally defeated, by an assumption of the whole power by the President.

Vacancies exist in all offices, however created, until persons are appointed to fill them.

If an office had been created by law, or otherwise, and brought into existence during the session of the Senate, it would be only for the President to wait until their recess to commission a person to fill the vacant office, prefer his name to the Senate at their next session, and a short time before their recess. If disapproved, he may be re-commissioned immediately on the adjournment, and the same course be pursued at the subsequent as at the preceding session. In this way an officer, and, if one, all officers, might be commissioned and continued in office, as long as the President should please, not only without, but contrary to, the advice and consent of the Senate, a department of the Government constituted by the Constitution an essential branch in the power of appointment.

The second resolution is an assertion of the opinion of the Senate as to a mere matter of fact, which I presume will not be doubted, and although necessary to effect the conclusion contained in the subsequent resolutions, needs no comment.

The third seems to be an unavoidable corollary from the opinions and facts declared in the preceding resolutions and in this.

The observations before made preclude the necessity of much remark on this resolution, as most which would be pertinent now have already been presented to the consideration of the Senate. Some general notice, however, will be taken of the powers and authorities of the Constitution in regard to the subject under discussion.

In recurring to the Constitutional power of appointment it will be seen that it consists of two branches of authority, to be exercised by two distinct bodies, acting independently of each other; but, in order to effectuate an appointment, both must concur.

The power of nomination is exclusively in the President. That of appointment is vested in the President and Senate jointly, and their advice and consent are as necessary to effect an appointment as the nomination of the President.

If the Constitution stopped at the end of the second paragraph of the section before quoted, the only inquiry, in order to determine on the necessity of the advice and consent of the Senate to an appointment, would be, whether the officer were an inferior officer, and whether Congress had by law vested the appointment in the President alone, in the courts of law, or in the heads of departments.

The answer in the case now under consideration is, Congress have made no law respecting it; and, further, that Congress have no power to vest the appointment of these officers in any one, they not being inferior officers.

If Congress have no power to vest this appointment in the President alone, it would seem free from all doubt, that the President could not rightfully exercise such an authority; and equally so, that the Senate could not surrender their authority, or acquiesce in its exercise by another. The Senate is a trustee for the benefit of the public, of all the powers vested in them. Wherever a power is vested in a trustee, there is a correspondent duty to exercise such power, and not to surrender it to another.

It will not be amiss, in considering this subject, to keep in view how sacredly the people intended to guard this right, and this duty in the Senate, by not permitting that body, even with the concurrence of the House of Representatives, and the President, to discharge itself of such a duty, by a surrender thereof to any other body.

If it be attempted to defend this appointment, it will probably be on the last paragraph in this section, which authorizes the President to fill up all vacancies that may happen during the recess of the Senate. Sufficient has been said, I trust, to show that no authority can be derived from this clause.

It has been suggested, that the President has a right, by the Constitution, to create the office of Ambassadors and other public Ministers. An office is created by the Constitution, or by some power under it. Prior to its being so created, it does not exist. Whatever power is granted, as regards the appointment of public Ministers, is in that clause which says, "the President shall nominate, and, by and with the advice and consent of the Senate, shall appoint." If this, then, be the power of creating the office, it must be an actual appointment, and that can be only by the President and Senate. No other authority than what is embraced by these words can be found for the creation of the office of public Ministers, and this is not in the President alone, but in the President and Senate. In other words, the appointment makes the office, and the appointment cannot be made without the concurrent judgment of these two great organs of the Government.

Perhaps it may be more proper to consider the office of Ambassador and public Minister as ne-

cessarily existing, from the relation of the United States, as an independent Power to other independent Powers, and thus recognised by the Constitution. Most offices are created by laws enacted by Congress. The practice has been, in cases where there is reason to apprehend that sufficient time will not be afforded, during the session of the Senate, for a proper selection of persons to fill such offices, and that inconveniences might result from delay till their next session, to authorize the President to appoint such officers in the recess of the Senate. This course will be found to have been adopted early in the history of this Government. There is one act to this effect, of March 3, 1791, volume 1, page 301. This was in the second session of the 1st Congress. And the practice has been invariably continued since. An act is also made (March 3, 1799) to authorize the President to fill up vacancies that happen during the session of the Senate.

In these cases the offices undoubtedly exist, and the authority given to the President in them, goes on the presumption that there exists a vacancy at the time of passing the act, and that such vacancy will exist during the recess of the Senate. If nothing further were necessary, than the existence of an office, and a vacancy therein, to entitle the President, constitutionally, to make the appointment in the recess of the Senate, this authority, by law, would be unnecessary.

Congress, then, and this Senate, as one branch of Congress, seem to have settled the question, and one may fairly say, the President also; for if, in his opinion, the power of appointment to vacant offices was vested in him by the Constitution, he would hardly consent to receive that power from Congress, especially as thus receiving it must be construed into an acknowledgment that he could derive no such power immediately from the Constitution. The construction of an instrument made contemporaneously with, or shortly after, its formation, may be safely relied on for disclosing the intention of the framers, in the language they used.

It is well known that the first President of the United States was also President of the Convention that reported the Constitution; and that two of the heads of departments, and many of the first Senate, had been distinguished members of the same Convention.

It will be found, by a reference to the Executive Journals of the Senate during the Administration of President Washington, that at each session of the Senate, and shortly after their meeting, he sent messages on the subject of appointments during the recess, that left no doubt of his construction of the Constitution in this particular—vol. 1, pp. 236, 389; vol. 2, pp. 9, 76. In addition to the conclusion to be drawn from these messages of President Washington, a fact is stated by Chief Justice Marshall, in his *Life of Washington*, which shows distinctly the construction of that great man on his Constitutional powers, in a case analogous to the one under consideration; and that, notwithstanding the circumstances were urgent, he did not feel himself authorized to act

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in the recess of the Senate, in the case of a vacancy that did not happen in such recess.

Thus, sir, I have supported the construction of the Constitution contained in the resolution now on your table, by the literal sense and meaning of the terms used in that instrument, by its obvious spirit and intent, by the judgment of the President, Senate, and House of Representatives, repeatedly, deliberately, and solemnly given, in their legislative acts, and by the uniform conduct of President Washington during his Administration.

To maintain the rights of this department of the Government, and thereby protect those of the States, represented in this body, is not only the privilege, but a sacred duty of the Senate, with which, in my judgment, we are not at liberty either to compromise or equivocate.

To the end, then, sir, that we may arrest the progress of an evil, which subverts the organization of the Government, by depriving the Senate of their Constitutional authorities, and vesting them in the President of the United States, I propose these resolutions, which contain the solemn protest of the Senate, and provide for its presentation to the Supreme Magistrate.

On motion, by Mr. BIBB, of Georgia, the further consideration of the resolutions was postponed to, and made the order of the day for, Wednesday next.

TUESDAY, March 8.

The bill, entitled "An act making appropriations for the support of the Navy of the United States for the year 1814," was read the second time, and referred to the Committee on Naval Affairs, to consider and report thereon.

The bill, entitled "An act making appropriations for the support of the Military Establishment of the United States for the year 1814," was read the second time, and referred to the Committee on Military Affairs, to consider and report thereon.

The bill, entitled "An act authorizing the President to cause to be built or purchased the vessels therein described," was read the second time, and referred to the Committee on Naval Affairs to consider and report thereon.

The joint resolution from the House of Representatives fixing the time for an adjournment of the present session of Congress was read the second time.

The motion submitted yesterday by Mr. BIBB, of Georgia, for consideration, was read the second time.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act to amend the act, entitled 'An act laying duties on notes of banks, bankers, and certain companies; on notes, bonds, and obligations, discounted by banks, bankers, and certain companies; and on bills of exchange of certain descriptions; and, on motion, by Mr. BIBB, of Georgia, the consideration thereof was further postponed until Monday next.

Mr. ROBERTS gave notice, that, to-morrow, he

should ask leave to bring in a bill to incorporate a Marine and Fire Insurance Company in the town of Alexandria.

On motion, by Mr. GILES, it was agreed that the bill to amend the act, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions," be made the order of the day for Thursday next.

On motion, by Mr. TAYLOR, it was agreed that the bill to incorporate the subscribers to the stock of the Union Bank of Alexandria be made the order of the day for Monday next.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act for the more effectual enforcing of the non-importation laws, by forbidding the courts to deliver to the claimants pending the trial merchandise or other articles seized under the same."

On motion, by Mr. BIBB, of Georgia, the further consideration thereof was postponed to, and made the order of the day for, Monday next.

The Senate resumed the bill to authorize the Secretary of the Treasury to subscribe, in behalf of the United States, for seven hundred and fifty shares in the capital stock of the Chesapeake and Delaware Canal; and on motion, by Mr. HORSEY, the consideration thereof was further postponed to Monday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to amend the act, entitled "An act for the relief of Oliver Evans;" and, after debate, the further consideration thereof was postponed to, and made the order of the day for, Monday next.

WEDNESDAY, March 9.

The Senate resumed the motion submitted by Mr. GORE, as is stated on the 7th instant; and on motion, by Mr. BIBB of Georgia, the consideration thereof was further postponed to, and made the order of the day for, Wednesday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act attaching to the Canton district, in the State of Ohio, the tract of land lying between the foot of the Rapids of the Miami of Lake Erie and the Connecticut Reserve."

On motion, by Mr. SMITH, the further consideration thereof was postponed to the first Monday in December next.

On motion, by Mr. BIBB of Georgia, the bill, entitled "An act to amend the act, entitled 'An act laying duties on sales at auction, of merchandise, and of ships and vessels,'" was referred to a select committee, to consider and report thereon; and Messrs. BIBB of Georgia, SMITH, and KING, were appointed the committee.

Mr. GILES submitted the following motion for consideration:

Resolved, That a committee be appointed to inquire into the expediency of establishing permanent rules for regulating and conducting the printing of the Senate, and to report thereupon.

Mr. GAILLARD, from the Committee on Naval

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Affairs, to whom was referred the bill, entitled "An act for the relief of Edwin T. Satterwhite, late pursuer of the Vixen," reported it, with amendments.

Mr. GAILLARD, from the same committee, to whom was referred the amendments of the House of Representatives to the bill, entitled "An act in addition to an act, entitled 'An act allowing a bounty to the owners, officers, and crews, of the private armed vessels of the United States,'" reported that the Senate concur therein.

Mr. GAILLARD, from the same committee, to whom was referred the bill, entitled "An act making appropriations for the support of the Navy of the United States, for the year 1814," reported it without amendment.

On motion, by Mr. MASON, the bill authorizing the purchase of a library for the use of the Judges of the Supreme Court of the United States, was made the order of the day for to-morrow.

The Senate resumed the consideration of the motion submitted on the 7th instant, which was amended; and, on motion by Mr. KING, the following amendment, to be the second resolution, was agreed to:

Resolved, That the President of the United States be requested to cause to be laid before the Senate such information as he may possess, of the cases, with their circumstances, in which any civilized nation has punished its native subjects taken in arms against her, and for which punishment retaliation has been inflicted by the nation in whose service they were taken.

Whereupon—

Resolved, That the President of the United States be requested to cause to be laid before the Senate such information as he may possess, calculated to show what has been the practice of Great Britain concerning her native subjects, naturalized in other countries, and taken in arms against her; also, what is the general practice of the nations of Europe, relative to the naturalization or employment in war between two nations of the native subjects of each other.

Resolved, That the President of the United States be requested to cause to be laid before the Senate such information as he may possess, of the cases, with their circumstances, in which any civilized nation has punished its native subjects taken in arms against her, and for which punishment retaliation has been inflicted by the nation in whose service they were taken.

Resolved, That the President of the United States be requested to cause to be laid before the Senate such information as he may possess, calculated to show under what circumstances, and on what grounds, Great Britain has been in the practice of refusing to discharge native citizens of the United States impressed into her service.

Resolved, That the President of the United States be requested to cause to be laid before the Senate such information as he may possess, calculated to show what has been the conduct of Great Britain relative to American seamen on board her ships of war, at and since the commencement of the war with the United States.

THURSDAY, March 10.

Mr. DAGGETT, from the committee appointed on the subject, reported a bill to lessen the compensation for the marshals, clerks, and attorneys, in the cases therein mentioned; and the bill was read, and passed to the second reading.

Mr. BROWN, from the committee to whom was referred the bill, entitled "An act concerning Shawneetown," reported it without amendment.

Mr. WORTHINGTON, from the Committee on Military Affairs, to whom was referred the bill, entitled "An act making appropriations for the support of the Military Establishment of the United States, for the year 1814," reported it without amendment.

Mr. GAILLARD, from the Committee on Naval Affairs, reported a bill, authorizing the appointment of certain officers for the flotilla service; and the bill was read, and passed to the second reading.

Mr. ROBERTS asked and obtained leave to bring in a bill, to incorporate a Marine and Fire Insurance Company in the town of Alexandria; and the bill was read, and passed to the second reading.

Mr. GAILLARD, from the Committee on Naval Affairs, to whom was referred the bill, entitled "An act authorizing the President to cause to be built, or purchased, the vessels therein described," reported it without amendment.

The Senate resumed the consideration of the amendments of the House of Representatives to the bill, entitled "An act in addition to an act, entitled 'An act allowing a bounty to the owners, officers, and crews, of the private armed vessels of the United States;'" and, on motion, the consideration thereof was further postponed.

Mr. ANDERSON presented the petition of Oliver Evans, praying to be heard at the bar of the Senate, by counsel, before the bill now pending to amend the act, entitled "An act for the relief of Oliver Evans," shall be further acted on, which he is advised, if passed into a law, will tend to his prejudice as a patentee; and the petition was read.

On motion, by Mr. GORE, that the further consideration thereof be postponed until to-morrow, it was determined in the negative.

On motion, by Mr. ANDERSON, that the petitioner be heard at the bar of the Senate, by counsel, before any bill shall be acted on to his prejudice, it was determined in the negative.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act making appropriations for the support of Government, for the year 1814;" a bill, entitled "An act for the relief of Joshua Sands, late collector of the customs for the port of New York;" also, a bill, entitled "An act for the final adjustment of land titles in the State of Louisiana and Territory of Missouri;" in which bills they request the concurrence of the Senate.

The three bills last mentioned were read, and passed to the second reading.

Mr. WORTHINGTON presented the petition of William Marbury, and others, citizens of Georgetown and its vicinity, praying the incorporation

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of a company for the better supply of the town with pure water; and the petition was read, and referred to a select committee, to consider and report thereon, by bill or otherwise; and Messrs. WORTHINGTON, HORSEY, and GILES, were appointed the committee.

The Senate resumed the consideration of the motion made yesterday, by Mr. GILES, for the appointment of a committee to inquire into the expediency of establishing permanent rules for regulating and conducting the printing of the Senate; and, having agreed thereto, Messrs. GILES, FROMENTIN, and DAGGETT, were appointed the committee.

The Senate resumed, as in Committee of the Whole, the bill authorizing the purchase of a library for the use of the Judges of the Supreme Court of the United States; and, on motion by Mr. CHACE, it was recommitted to a select committee, further to consider and report thereon; and Messrs. FROMENTIN, MASON, and BROWN, were appointed the committee.

Mr. KING, from the committee to whom was referred the bill, entitled "An act to authorize a loan for a sum not exceeding twenty-five millions of dollars," reported it, with amendments.

FRIDAY, March 11.

Mr. FROMENTIN, from the committee to whom was recommitted the bill authorizing the purchase of a library for the use of the Judges of the Supreme Court of the United States, reported it, with amendments.

The bill to lessen the compensation for marshals, clerks, and attorneys, therein described, was read the second time.

The bill authorizing the appointment of certain officers for the flotilla service, was read the second time.

The bill, entitled "An act making appropriations for the support of Government, for the year 1814," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. TAIT, ROBERTS, and ANDERSON, were appointed the committee.

Mr. WORTHINGTON, from the committee appointed to consider the subject, reported a bill to incorporate a company for the purpose of supplying Georgetown with water; and the bill was read, and passed to the second reading.

The bill, entitled "An act for the relief of Joshua Sands, late collector of the customs for the port of New York," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. SMITH, KING, and GERMAN, were appointed the committee.

The bill, entitled "An act for the final adjustment of land titles in the State of Louisiana and Territory of Missouri," was read the second time, and referred to the committee appointed the 4th of February, on the petition of Thomas Cooper, and others, to consider and report thereon.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act making appropriations for the support of the

Military Establishment of the United States, for the year 1814;" and, the bill having been amended, the President reported it to the House accordingly, and it was ordered to be engrossed, and the bill read a third time, as amended.

Mr. BIBB, of Georgia, from the Committee on Foreign Relations, to whom was referred the petition of Stephen Glover, reported that it is inexpedient to legislate on the subject. Whereupon, the petitioner had leave to withdraw his petition, with the accompanying documents.

Mr. BIBB, of Georgia, from the same committee, to whom was referred the petition of Daniel Hastings, and others, made report. Whereupon, the petitioners had leave to withdraw their petition, with the accompanying documents.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act making appropriations for the support of the Navy of the United States, for the year 1814;" and it was ordered to a third reading.

MONDAY, March 14.

Mr. BROWN, from the committee to whom was recommitted the bill for the relief of David Porter, a Commander in the Navy of the United States, reported it, with amendments.

Mr. BIBB, of Georgia, from the Committee on Foreign Relations, to whom was referred the petition of John S. Trott and Martin Blake, made report. Whereupon, the petitioners had leave to withdraw their petition, and the accompanying documents.

Mr. HORSEY presented the petition of Charles Carroll, and others, members of the congregation of Trinity church, of Georgetown, in the District of Columbia, praying to be empowered to raise a sum of money, by lottery or lotteries, for the purpose of assisting in enlarging their church, or to erect a new one, as is stated at large in the petition; which was read, and referred to a select committee, to consider and report thereon, by bill or otherwise; and Messrs. HORSEY, DANA, and HUNTER, were appointed the committee.

Mr. BIBB, of Georgia, from the Committee on Foreign Relations, to whom was referred the petition of Justin and Elias Lyman, made report.

On motion, by Mr. SMITH, that the consideration thereof be postponed, it was determined in the negative.

On motion, that it be referred to the Secretary of the Treasury to report, it was determined in the negative. Whereupon, the petitioners had leave to withdraw their petition, and accompanying documents.

Mr. BIBB, of Georgia, from the same committee, to whom was referred the bill, entitled "An act to amend the act, entitled 'An act laying duties on sales at auction of merchandise, and of ships and vessels,'" reported it, without amendment.

Mr. TAIT, from the committee to whom was referred the bill, entitled "An act making appropriations for the support of Government, for the year 1814," reported it, without amendment.

The PRESIDENT communicated the report of the Secretary for the Department of War, on the petition of George Ulmer; which was read, and referred to a select committee, to consider and report thereon, by bill or otherwise; and Messrs. KING, SMITH, and TURNER, were appointed the committee.

The PRESIDENT communicated the petition of the inhabitants of the town of Chilmark, in Duke's county, and State of Massachusetts, praying relief under the embargo law, as is stated in the petition; which was read.

The PRESIDENT communicated the petition of William Simmons, Accountant of the War Department, praying an augmentation of his salary, for reasons stated at large in the petition; which was read.

Mr. BIBB, of Georgia, from the Committee on Foreign Relations, to whom was referred the petition of Don Ramon Lenares Gonzales and Don Ramon de Colmenere, made a report; which was read, and further consideration thereof postponed.

A message from the House of Representatives informed the Senate that the House have passed the bill, which originated in the Senate, entitled "An act for the better organizing, paying, and supplying of the Army of the United States," with amendments, in which they request the concurrence of the Senate. They have passed a bill, entitled "An act for the relief of Joseph W. Page;" a bill, entitled "An act for the relief of Stephen Girard;" a bill, entitled "An act for the relief of Daniel McCauley and Samuel Ralston;" a bill, entitled "An act for the relief of the owners of the cargo of the brig Patriota;" a bill, entitled "An act confirming certain claims to land in the Illinois Territory, and providing for their location;" a bill, entitled "An act to alter the time for holding the district courts of the United States for the Virginia district;" a bill, entitled "An act declaring the assent of Congress to an act, of the General Assembly of the State of Tennessee, therein mentioned;" a bill, entitled "An act for the relief of George Walkington;" a bill, entitled "An act supplementary to the act, entitled 'An act for the relief of the officers and soldiers who served in the late campaign on the Wabash;' a bill entitled "An act for the relief of Seth Russell and sons;" a bill, entitled "An act for the relief of William H. Savage;" also, a bill, entitled "An act for the relief of Henry Malcolm;" in which bills they request the concurrence of the Senate.

The twelve bills last mentioned were read, and passed to the second reading.

Mr. GILES, from the committee to whom was referred the resolution of the 10th instant, respecting the printing for the Senate, reported a joint resolution on the subject; which was read, and passed to the second reading.

On motion, by Mr. WORTHINGTON, the amendments of the House of Representatives to the bill, entitled "An act for the better organization, paying and supplying the army of the United States," was referred to the Committee on Military Affairs, to consider and report thereon.

Mr. DANA presented the memorial of Homer

Boardman and others, citizens of the State of Connecticut, non-resident proprietors of land and houses in the State of Ohio, on the subject of the direct tax.—Referred to the committee appointed the 22d January, on the memorial of William Hart and others, who have under consideration the several memorials heretofore presented on the same subject, to consider and report thereon by bill or otherwise.

Mr. SMITH, from the committee to whom was referred the bill, entitled "An act for the relief of Joshua Sands, late collector of the customs for the port of New York," reported it without amendment.

The bill, entitled "An act making appropriations for the support of the Military Establishment of the United States for the year 1814," was read a third time as amended.

On the question, Shall this bill pass as amended? it was determined in the affirmative—yeas 22, nays 10, as follows:

YEAS—Messrs. Anderson, Bibb of Kentucky, Bibb of Georgia, Bledsoe, Brown, Chace, Condit, Fromentin, Gaillard, German, Giles, Howell, Morrow, Roberts, Robinson, Smith, Stone, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS—Messrs. Daggett, Dana, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, and Mason.

So it was *Resolved*, That this bill pass with amendments.

The bill entitled "An act making appropriations for the support of the Navy of the United States for the year 1814," was read a third time.

On the question, Shall this bill pass? it was determined in the affirmative—yeas 31, as follows:

YEAS—Messrs. Anderson, Bibb of Kentucky, Bibb of Georgia, Bledsoe, Brown, Chase, Condit, Daggett, Fromentin, Gaillard, German, Giles, Gilman, Goldsborough, Gore, Horsey, Howell, Hunter, King, Lambert, Mason, Morrow, Roberts, Robinson, Smith, Stone, Tait, Turner, Varnum, and Worthington.

So it was *Resolved unanimously*, That this bill pass.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the relief of Mary Chevers," in which bill they request the concurrence of the Senate.

The Senate resumed as in Committee of the Whole, the consideration of the bill, entitled "An act authorizing a loan for a sum not exceeding twenty-five millions of dollars," together with the amendments reported thereto by the select committee; and, after debate, the Senate adjourned.

TUESDAY, March 15.

Mr. HORSEY, from the committee to whom the subject was referred, reported a bill to authorize two lotteries in Georgetown, District of Columbia; and the bill was read, and passed to the second reading.

Mr. BIBB, of Kentucky, presented the petition of Abraham Chaplain, of Kentucky, who served as a captain during the Revolutionary war, in the

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Virginia State line, praying permission to locate the amount of a certain warrant, for 1,333 $\frac{1}{2}$ acres of land, which he received to complete his bounty, on any vacant or unappropriated lands in the Indiana Territory, or in some part of the territory given up by Virginia, for reasons stated at large in the petition; which was read, and referred to the committee appointed the 4th February, on the petition of Thomas Cooper and others, to consider and report thereon by bill or otherwise.

The bill from the House of Representatives, entitled "An act for the relief of Mary Chevers," was read, and passed to the second reading.

The Senate resumed the consideration of the amendments of the House of Representatives to the bill, entitled "An act in addition to an act, entitled 'An act allowing a bounty to the owners, officers, and crews, of the private armed vessels of the United States;'" and, on the question to agree thereto, the Senate being equally divided, the President determined the question in the affirmative.

On motion, by Mr. TURNER, it was agreed to reconsider the vote; and, on motion, by Mr. MASON, the amendments were amended. Whereupon, the Senate concurred in the amendments with an amendment.

Mr. KING presented the memorial of the Mayor, Aldermen, and Commonalty of the city of New York, praying the exchange of a certain lot of ground conveyed to the corporation by their Legislature, under the reservation, however, of a prior grant to the United States, to public purposes; which ground, (adjoining other lands, the property of, and lying within the first ward of the city,) is necessary for certain contemplated improvements therein, and for which they propose other grounds within the city as an equivalent; and the memorial was read, and referred to the Committee on Military Affairs, to consider and report thereon by bill or otherwise.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act authorizing a loan for a sum not exceeding twenty-five millions of dollars," together with the amendments reported thereto by the select committee; and, after debate, the Senate adjourned.

WEDNESDAY, March 16.

The PRESIDENT communicated a memorial from B. H. Latrobe, on the subject of steam engines; which was laid on the table.

Mr. WORTHINGTON, from the Committee on Military Affairs, to whom was referred the amendments of the House of Representatives to the bill, entitled "An act for the better organizing, paying, and supplying the Army of the United States," reported that the Senate concur therein in part.

Mr. BROWN, from the committee to whom was referred the bill, entitled "An act for the relief of Mary Philip le Duc," reported it without amendment.

Mr. BROWN, presented the memorial of George Mather, of the parish of East Baton Rouge, in the State of Louisiana, praying compensation for

a balance due on a contract with General Wilkinson, commander of the southwestern department of the Army of the United States, in the year 1808, for opening the navigation of the Bayou Iberville, for gunboats and other armed vessels of inferior size, as is stated in the memorial; which was read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. BROWN, CHACE, and ANDERSON, were appointed the committee.

Mr. VARNUM presented the petition of Jonas White and others, tanners and manufacturers of leather, in the State of Massachusetts, praying a modification of the embargo law, whereby they may be enabled to procure their accustomed supply of bark coastwise, from the District of Maine; and the petition was read, and referred to the Committee on Foreign Relations, to consider and report thereon by bill or otherwise.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act authorizing a loan for a sum not exceeding twenty-five millions of dollars," together with the amendments reported thereto by the select committee; and, after debate thereon, the Senate adjourned.

THURSDAY, March 17.

Mr. WORTHINGTON, from the Committee on Military Affairs, to whom was referred the memorial of William Tatham, reported a bill authorizing the Secretary for the Department of War to purchase of William Tatham military models and apparatus, and topographical charts; and the bill was read, and passed to the second reading.

The bill from the House of Representatives, entitled "An act to alter and establish certain post roads," was read, and passed to the second reading.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the relief of Dennis Clark," in which bill they request the concurrence of the Senate.

Mr. KING, from the committee appointed to consider the subject, reported a bill for the relief of George Ulmer; and the bill was read, and passed to the second reading.

FRIDAY, March 18.

Mr. ROBERTS presented the petition of Stephen Girard, praying to be refunded a part of the duties paid on the importation of the cargo of the ship Montesquieu, which vessel and cargo had been captured by the enemy and ransomed by the petitioner, for reasons stated at large in the petition; and the petition was read, and referred to a select committee, to consider and report thereon; and Messrs. ROBERTS, SMITH, and CHACE, were appointed the committee.

Mr. SMITH presented the petition of Robert Patterson and others, merchants and owners of private armed vessels, remonstrating against the

commission allowed by law to the clerks of the district courts on the proceeds of prizes sold under interlocutory decrees, and praying relief, as is stated in the petition; which was read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. SMITH, DAGGETT, and GORE, were appointed the committee.

The bill, entitled "An act for the relief of Dennis Clark," was read, and passed to the second reading.

NAVAL ESTABLISHMENT.

Mr. GAILLARD, from the Committee on Naval Affairs, communicated a letter, together with sundry documents from the Secretary for the Department of Navy; which were read, and ordered to be printed. The letter is as follows:

NAVY DEPARTMENT, Feb. 22, 1814.

SIR: I have the honor to submit the following in answer to your letter of the 20th December last.

Three ships of 74 guns each, and of the largest class, are now building, of prime materials, and in the most substantial and durable manner, viz: one at Portsmouth, New Hampshire, one at least at Charlestown, Massachusetts, and one at Philadelphia. The two former, it is expected, will be launched in the month of July, and the latter in the month of December next.

Three ships of 44 guns each, of the largest class, are also building, of durable materials, in the best manner, viz: one at Philadelphia, one at Baltimore, and one at the navy yard in this city. The two former it is expected, will be launched by the middle of April, and the latter in all the month of July next.

The six sloops of war, authorized by law, have all been built, in the most substantial manner, and of good materials. Two of which are ready for sea; three more have nearly completed their crews, and will, probably, be ready for sea in ten or twelve days, and the sixth is now equipping at the navy yard in this city.

Six barges have been purchased at Philadelphia; also, four at Baltimore, and one at Norfolk.

Eight have been built at Baltimore; ten are nearly completed on the Eastern Shore of Maryland; four have been built, and one is now building at the navy yard in this city; five are building at Charleston, South Carolina; six at St. Mary's, Georgia; and preparatory measures are now in operation to increase the force in North Carolina, and at New Orleans, in vessels of this description, as fast as men can be procured to man them.

Previous to the year 1813, it appears that no timber had been procured under the act of March 30th, 1812; but early in the year 1813, timber to the amount of \$23,000 was purchased at Baltimore, under the act of March 30th, 1812 "suitable for rebuilding the frigates Philadelphia, General Greene, New York, and Boston;" but as there is no appropriation or authority to rebuild those frigates, and as the Philadelphia is not in existence, and the General Greene, New York, and Boston, are rotten, worthless hulks, that would cost much more, in proportion to their value, to rebuild them, than to build new frigates, of a better class, and vastly superior construction, a part of that timber has been applied to the building of the 44 and the sloops of war at Baltimore, and the 74 and 44 at Philadelphia.

Contracts for, and purchases of timber, to a very

considerable amount, have been made for naval purposes during the year 1813; but which have not been charged to the particular appropriation of the 30th of March, 1812, though applied to the same purposes as timber chargeable to that appropriation would have been, viz: in building the three 74's, at Portsmouth, Charlestown, and Philadelphia, the 44 guns ships at the latter place, and the 44 and sloop of war at the navy yard in this city; also, in the repairs of the ships of the navy, and in preparing several sets of spare masts, spars, tops, &c., ready for the ships which may return damaged; and the residue is applicable to similar purposes.

These have been charged, either under the head of repairs, or to the appropriation for building 74's and frigates; which appropriations, it is conceived, are properly chargeable with timber purchased for these purposes. Six cargoes, amounting to twenty-six hundred tons, of Georgia yellow pine timber, which had been cut for the use of the British navy, but entered the Eastern ports of the United States, on account of the war, have been purchased on favorable terms; also, a prize cargo of northern timber. These are properly chargeable to the annual appropriation for the purchase of timber. A contract was made in August last for the delivery at Norfolk, and this place, of a quantity of yellow pine plank, thick stuff, beams, and mast pieces, sufficient for two ships of 74 guns each, and two 44 gun frigates. The timber under this contract is now delivering. Contracts for timber, yet to be delivered, have been made at the Eastern stations, the particulars of which are not yet in the Department. A recent contract has been made at Philadelphia for the white oak plank, thick stuff, beams, and knees; and for yellow pine plank, and beams, sufficient for a 74 and a 44 gun ship; and for fifty sticks, of yellow pine for masts and spars. These are chargeable upon the appropriation of the 30th of March, 1812.

No contracts for live oak timber have yet been made, as the transportation is impracticable under existing circumstances; and if collected in considerable quantities at landings accessible to vessels fit for transportation, they would be equally so to the enemy, and the timber, when collected, would be liable to destruction. As live oak is exclusively applied to the frame of timbers, which constitute the form and mould of the ship, it is necessary that the timber should be cut and shaped, not only to the particular curve for which each piece is designated, but to its true oblique dimensions; otherwise great waste in the conversion, and expense in transportation will ensue; for this purpose it is necessary that draughts or designs of the contemplated ships should be determined, proper moulds made by which to cut and shape the timber, and mechanics employed to superintend the execution of the contracts. Hence, contracts for timber of this description cannot be made and executed with the same facility and certainty as for straight rectangular timber.

It is, therefore, considered that a state of peace will be much more favorable to the collection of a stock of timber of this description than that of war, in which it can neither be transported to the dock-yards nor deposited in safety at the seacoast landings. Nevertheless, it is contemplated to make the necessary arrangements for such supplies of suitable live oak timber as may be had in places of safety.

On this subject it is very satisfactory to learn, that our resources in timber of this kind are greatly ex-

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tended, in the abundance which may be procured from the shores of the bays and waters near the mouth of the Mississippi. This species of timber requires very little seasoning; six months' docking will render it perfectly fit for use.

No further steps have been taken in relation to the dock-yards, than a general inquiry and proper deliberation, in order to determine upon the best site in a central situation.

The result has decided in favor of the right bank of the Hudson, above the Highlands. The motives to this decision were, from considering the contemplated dock yard as the nucleus around which a great naval establishment may be formed, comprising wet and dry docks, forges, foundries, boring, rolling, saw and block mills, blast and smelting furnaces, an armory, hydraulic engines, rope works, manufactories of sail-duck, and workshops of all kinds, which will require a copious head of water, readily commanded in this vicinity. Here, also, will be the main arsenal and depot of timber, and materials of all kinds, and the principal dock yard for constructing and repairing ships of war. Such an establishment in any of our seaports, accessible to ships-of-the-line, would form so great a temptation to a powerful enemy as to render destruction certain, unless protected by forts and garrisons of the most formidable and expensive nature.

The natural defences at the pass of the Highlands, are such as to remove all doubt on this subject, and supersede the necessity of a large protecting force.

The Hudson is a deep, bold, noble stream, of easy and safe navigation. The surrounding country produces abundance of iron, and large quantities of hemp; and the banks of the Hudson furnish a variety of timber fit for naval purposes. The communication with the northern and western lakes, is more direct and favorable to the distribution of naval and military stores than any other situation that can be selected. The only objection of importance that I have heard suggested is, that the Hudson at this point is closed by the ice a fortnight sooner, and opens a fortnight later, than at New York; but this objection is greatly overbalanced by the extraordinary advantages of the situation.

In order to select the most suitable situation, a careful examination and survey, under the direction of some of our most experienced officers, aided by a skilful engineer, appears to be indispensable, an opportunity for which has been prevented by the active operations of the war, and consequent occupation of the officers best qualified for this service.

The number of seamen, ordinary seamen, and boys, authorized by law, is indefinite and discretionary with the President, as will appear by the following reference:

The act of Congress of the 21st of April, 1806, vol. 8, page 109, limits the officers, seamen, ordinary seamen, and boys, to

13 captains,

9 masters commandant,

72 lieutenants,

150 midshipmen, and

925 seamen, ordinary seamen, and boys.

The act of the same date, page 142, authorizes the President to man and equip the gunboats.

The act of the 3d of March, 1807, authorizes the employment of 500 additional seamen, ordinary seamen, and boys.

The act of the 31st of January, 1809, vol. 9, page 206, authorizes the employment of 300 additional mid-

shipmen, and 3,600 additional seamen, ordinary seamen, and boys.

The act of the 30th of March, 1812, vol. 11, page 89, authorizes officers and seamen of the navy to be increased so far as may be necessary to officer, man, and equip the vessels to be put in service.

The act of the 2d of January, 1813, page 340, provides for the building, officering, and manning four 74's and six frigates.

The act of the 3d of March, 1813, page 429, authorizes the President to build six sloops of war, and to build, or procure, such a number of sloops of war, or other armed vessels on the lakes, as the public service may require; and to appoint such officers, and to employ the number of seamen, as may be necessary for such vessels as are authorized by law to be put in commission.

The act of the 5th of July, 1813, vol. 12, page 10, authorizes the President to cause to be built, equipped, and manned, such number of barges as he may deem necessary.

There is no correct data in the department, by which to ascertain the actual number of seamen, ordinary seamen, and boys, employed at any one period. The longest period of enlistment being for two years, and in many cases, for the flotilla service, for a shorter period, the number is constantly fluctuating, and consequently cannot be correctly ascertained; but it is believed, from a general view of the subject by the Accountant and myself, that the number employed during the year 1813, has considerably exceeded the estimate for that year.

There is not at this time, in the department, sufficient data upon which to estimate the number of gunboats actually fit for service; some have undergone partial repairs, while others have deteriorated.

The following will show the number on each station, and their presumed condition, viz:

| | Gunboats. |
|--------------------------------------------------------------------------------------------|-----------|
| Portsmouth, N. H., in service | - - 6 |
| Newburyport do. | - - 2 |
| Boston do. | - - 2 |
| Rhode Island do. | - - 9 |
| New London do. | - - 2 |
| New York do. | - - 31 |
| In ordinary, fit for service | - - 7 |
| | —38 |
| Delaware Bay, in service | - - 7 |
| In ordinary, fit for service | - - 12 |
| | —19 |
| Baltimore, in service | - - 1 |
| Potomac do. | - - 3 |
| Norfolk, in service, and ready for service but very lightly manned—recruiting as men offer | - - 23 |
| North Carolina, in service | - - 6 |
| South Carolina do. | - - 3 |
| Georgia do. | - - 5 |
| New Orleans do. | - - 6 |
| | —125 |

When it is considered that six large sloops of war have been built, equipped and manned, in our seaports, and three sloops of war and one ship of 26 guns on the lakes, within the preceding eight months; that three 74's and three 44's will be added this year, but which are yet to be manned, and that provision still exists for building one 74 and three 44's as soon as

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suitable materials can be had; it appears to me that any further provision at present for the increase of our naval force would not add to its efficiency, and therefore is not necessary; except such as I have suggested in my letter to the Chairman of the Naval Committee of the House of Representatives, a copy of which I have the honor to enclose; and even of that description, the number ought to be very moderate, when the contemplated increase of our force on the lakes, and the demand for experienced officers and seamen, which the very rapid augmentation of our force has created, are taken into view. The flotilla service, moreover, is still very deficient in men. We may readily and rapidly add any reasonable number of vessels to our force, but their armament and many parts of their equipment of every description, will be to fabricate. The cannon foundries are few in number, and none of any note north of the waters of the Chesapeake. These have been, are now, and will be fully engaged during the present year, in fabricating the ordnance required for the force already authorized. The private armed vessels cannot at this time procure their armament of a proper kind on any terms.

With the rapid increase of our naval force, the promotion of young officers has been necessarily very rapid; and those whose experience and talents have exalted our flag are comparatively few in number. Therefore, however desirable it may be to give the senior lieutenants separate commands, in which they would be useful to their country and acquire honor to themselves, it will leave our 74's and frigates and squadrons on the lakes without officers of sufficient experience. This has been a subject of serious solicitude with some of our commanders; and the tenacious policy of our naval system precludes the admission of talent and experience from any other source than lineal promotion. It is true sailing masters have been promoted to lieutenants, under special circumstances; and I perceive no good reason why this experienced and valuable class of officers should not be as regularly entitled to promotion as midshipmen.

With these views the honorable committee will be enabled to appreciate the arguments which I have deemed it proper to offer for their consideration.

I also beg leave to suggest the propriety of augmenting the Marine Corps from the present establishment, 1,869, to 2,652, and to increase the number of commissioned officers in the same proportion as in the infantry of the army.

It is not necessary to recall the recollection of the honorable committee to the gallant part this distinguished corps has acted in all the noble victories which have been achieved; nor to its character for discipline, valor, and patient endurance of the most severe service on the lakes, in which it has suffered excessively; suffice it to say, that it is not surpassed by any body of men in the service of the United States, though seen only in the back ground of the picture, and without the ordinary inducements to noble actions—a reasonable prospect of promotion, with a sprig of the laurel which it may help to gather. The augmentation which I recommend, will be actually necessary for the force now authorized, as will be illustrated by the estimate which accompanies this. This corps is, moreover, exceedingly useful at our several naval stations, and from its amphibious character calculated to render important services in every situation.

We have a right, sir, to anticipate during the ensuing Summer the most urgent occasion for the vigorous

employment of the flotilla for the defence of the waters of the United States; and it has become a very interesting question, how that force is to be commanded with the best effect. That service is, at best, unpopular with the regular officers of the navy; and the services of those officers who are qualified for separate command are required to meet the increased demand for the regular naval force, particularly on the lakes, which is very pressing. Those officers who are deficient in experience, are justly averse to the flotilla service; because they can acquire but very little useful professional knowledge; and, indeed, it is a service in which those who are to form the officers for the ships of war, ought not to be engaged.

There are other intrinsic difficulties in this service which are unknown on board our ships of war. The temptations to insubordination and vice are much greater in this scattered and amphibious kind of force; and the rigors of naval discipline, unless tempered with judgment and great moderation, discourage the recruiting for this service.

Bay and river craft men, seamen, ordinary seamen who have families, riggers and naval mechanics out of employ, will engage in the service under a local commander of capacity and influence, when they will not engage for the regular naval service.

As rank in our naval service can only be attained by regular gradation, commanders of talents, local knowledge, influence, and distinguished courage, cannot be commissioned for this service under the present regulations. The necessity of the case, from the reasons which I have assigned, has induced the employment of a few acting officers with command, but without rank, in two of the most important situations, viz: New York harbor and the Chesapeake bay. These appointments appear to have given great confidence in these districts, and the success in recruiting for the service on these stations, considering the unequal competition of the military and private service, has been favorable.

I would, therefore, take the liberty of suggesting the utility of providing by law for the appointment of four captains, with the same relative rank and authority in the flotilla service, and the same pay and emoluments, as captains in the navy; and twelve lieutenants with the same relative rank and authority in the flotilla service, and the same pay and emoluments, as lieutenants in the navy; but limited to the temporary employment of the flotilla without rank in the navy, other than in the flotilla in which they may serve, and subject only to the orders of the President of the United States; in all other respects to be governed by the rules and regulations provided for the government of the navy.

There is an object of great importance, to which I could have wished to draw your attention. I mean the re-organization of the Navy Department; of the necessity of which, no one can be more sensible than myself; but really my faculties have been so closely engaged with the multifarious objects, and the current and incessant labors of the department, during a period of the most active and important operations, that I have had no leisure to deliberate upon, and digest a system satisfactory to myself, or such as I can present to you at this time. And, as it is better to labor with known evils than to hazard a premature and inadequate system, I have thought it best to postpone the subject for the present, respectfully submitting, how-

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ever, to the wisdom of Congress to revise the system if it shall deem it now necessary.

I have the honor to be, &c.

W. JONES.

Hon. JOHN GAILLARD, *Chairman*, &c.

On motion, by Mr. GAILLARD,

Resolved, That it be the duty of the Secretary of the Navy to devise and digest a system for the better organization of the Department of the Navy of the United States, and to report the same to the Senate at the commencement of their next session.

Resolved, That it be the duty of the Secretary of the Navy to digest, or cause to be digested, all the laws now in force relative to the Naval Establishment and the Marine Corps, and to report the same to the Senate at the commencement of their next session.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act authorizing a loan for a sum not exceeding twenty-five millions of dollars, together with the amendments thereto, reported by the select committee; and, after debate thereon, the Senate adjourned.

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SATURDAY, March 19.

Mr. FROMENTIN presented the petition of Harry Toulmin and others, inhabitants of the Mississippi Territory, praying the alteration and establishment of certain post routes in said Territory, as is stated at large in the petition; which was read.

Mr. GAILLARD presented the petition of William Law and others, inhabitants of Darlington district, in the State of South Carolina, praying the establishment of a certain post route in said district, as is stated in the petition; which was read.

Mr. WORTHINGTON, from the Committee on Military Affairs, to whom was referred the memorial of John R. Plater and others, made report. Whereupon, the committee were discharged from the further consideration thereof.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act making appropriations for the support of Government for the year 1814," and the bill having been amended, the President reported it to the House accordingly; and it was ordered to be engrossed and the bill read a third time as amended.

The Senate resumed the consideration of the amendments of the House of Representatives to the bill, entitled "An act for the better organizing, paying, and supplying the Army of the United States;" and, on the question to agree to the following amendment:

In section 10, after the word "enacted," in the first line, strike out the words, "that the servants of officers, other than soldiers, not exceeding the number of waiters allowed by the preceding section," and insert, in lieu thereof, the following: "that no officer shall be permitted to employ as a servant any soldier from the line of the army; and that the servants of officers, not exceeding the number allowed by the preceding section:"

It was determined in the affirmative—yeas 17, nays 14, as follows:

YEAS—Messrs. Anderson, Bibb of Kentucky, Bibb of Georgia, Bledsoe, Chace, Daggett, Fromentin, Giles, Gore, Horsey, King, Morrow, Roberts, Stone, Tait, Taylor, and Worthington.

NAYS—Messrs. Condit, Dana, German, Gilman, Goldsborough, Howell, Hunter, Lacock, Lambert, Mason, Robinson, Smith, Turner, and Varnum.

Whereupon, *Resolved*, That the Senate agree to some, and disagree to other, amendments of the House of Representatives to the bill.

The bill, entitled "An act making appropriations for the support of Government for the year 1814," was read a third time, as amended, by unanimous consent, and passed.

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The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act authorizing a loan for a sum not exceeding twenty-five millions of dollars," together with the amendments reported thereto by the select committee; and, on the question to agree to the amendment, as follows:

Strike out the fourth section, and in lieu thereof insert,

"SEC. 4. *And be it further enacted*, That, in addition to the annual sum of eight millions of dollars heretofore appropriated to the Sinking Fund, a further annual sum, which shall be equal to the interest payable upon the stock created by virtue of this act, together with a sum that shall be equal to one per centum upon the whole principal of such stock, to be paid out of the internal duties imposed during the last session of Congress, shall be, and the same are hereby yearly appropriated to the said fund, and vested in the commissioners thereof in trust, to be by them applied to pay the interest and to reimburse the principal of the said stock created by virtue of this act.

"SEC. 5. *And be it further enacted*, That the Secretary of the Treasury shall annually, and every year, cause the sums so appropriated to the Sinking Fund, to be paid to the commissioners thereof, and it shall be their duty to cause to be applied and paid yearly, and every year, out of the said fund, and at the Treasury of the United States, such sum and sums as may be annually wanted to pay the interest and charges accruing on the stock created by virtue of this act, and to reimburse the principal of the said stock as the same shall become due, and may be discharged according to the terms of the loan; and they are further authorized and required annually to apply the aforesaid sum, to be equal as aforesaid to one per centum upon the whole principal of the stock created by virtue of this act, together with the interest that shall annually accrue and be paid upon so much of the said stock as shall have been redeemed, and which is hereby required, from time to time, to be transferred to the said Commissioners of the Sinking Fund, towards the redemption, by purchase, of the principal of the aforesaid stock, or of any part thereof, and to no other purpose. And to make good any deficiency in the product of the internal duties aforesaid, to satisfy the appropriation aforesaid, the faith of the United States shall be, and the same is, hereby pledged to provide and appropriate hereafter such additional and permanent internal duties as may be necessary to pay the

interest and to reimburse as aforesaid the whole of the principal of the stock aforesaid, created by virtue of this act: *Provided always*, That nothing herein contained shall be construed to prevent the Legislature of the United States from modifying, or from substituting other internal duties of equal value to all or any of the said internal duties."

In the fifth section strike out the figure "5," and insert "6:"

It was determined in the negative—yeas 8, nays 19, as follows:

YEAS—Messrs. Fromentin, German, Gilman, Gore, Hunter, King, Lambert, and Mason.

NAYS—Messrs. Anderson, Bibb of Georgia, Bledsoe, Brown, Chace, Condit, Gaillard, Goldsborough, Howell, Lacock, Morrow, Roberts, Smith, Stone, Tait, Taylor, Turner, Varnum, and Worthington.

And no further amendment having been proposed the bill was ordered to a third reading.

The bill was then read a third time by unanimous consent; and, on the question. Shall this bill pass? it was determined in the affirmative—yeas 22, nays 6, as follows:

YEAS—Messrs. Anderson, Bibb of Georgia, Bledsoe, Brown, Chace, Condit, Fromentin, Gaillard, German, Giles, Gilman, Howell, Lacock, Morrow, Roberts, Smith, Stone, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS—Messrs. Goldsborough, Gore, Hunter, King, Lambert, and Mason.

So it was *Resolved*, That this bill pass.

MONDAY, March 21.

Mr. GOLDSBOROUGH, from the committee to whom was referred the petition of John Teakle, reported that the petitioner have leave to withdraw his petition.

Mr. SMITH, from the committee appointed to consider the subject, reported, in part, a bill directing the disposition of money paid into the courts of the United States; and the bill was read, and passed to the second reading.

The Senate resumed the consideration of the report of the select committee on the petition of John Aiken and Pearl Spafford. Whereupon,

Resolved, That said petitioners have leave to withdraw their said petition, and the papers therein referred to.

The bill to incorporate a marine and fire insurance company in the town of Alexandria was resumed; and on motion, by Mr. SMITH, it was postponed to the first Monday in December next.

A message from the House of Representatives informed the Senate that the House concur in the bill, which originated in the Senate, entitled "An act for the relief of Isaac Clason," with amendments; in which they request the concurrence of the Senate.

The bill to incorporate a company for the purpose of supplying Georgetown with water was read the second time.

The bill, entitled "An act for the relief of Joseph W. Page," was read the second time, and referred to the Committee on Foreign Relations, to consider and report thereon.

The bill, entitled "An act for the relief of the owners of the cargo of the brig Patriota," was read the second time, and referred to the Committee on Foreign Relations, to consider and report thereon.

The bill, entitled "An act for the relief of Daniel McCauley and Samuel Ralston," was read the second time, and referred to the Committee on Foreign Relations, to consider and report thereon.

The bill, entitled "An act for the relief of Stephen Girard," was read the second time, and referred to the committee appointed the 22d of January last on his petition, to consider and report thereon.

The bill, entitled "An act confirming certain claims to land in the Illinois Territory, and providing for their location," was read the second time, and referred to the committee appointed the 4th of February, on the memorial of Thomas Cooper and others, to consider and report thereon.

The bill, entitled "An act to alter the time for holding the district courts of the United States for the Virginia district," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. BRENT, GILES, and STONE, were appointed the committee.

The bill, entitled "An act declaring the assent of Congress to an act of the General Assembly of the State of Tennessee therein mentioned," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. ANDERSON, ROBERTS, and VARNUM, were appointed the committee.

The bill, entitled "An act for the relief of George Walkington," was read the second time, and referred to the Committee on Foreign Relations, to consider and report thereon.

The bill, entitled "An act supplementary to an act, entitled 'An act for the relief of the officers and soldiers who served in the late campaign on the Wabash,'" was read the second time, and referred to the Committee on Military Affairs, to consider and report thereon.

The bill, entitled "An act for the relief of Seth Russell and Sons," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. GORE, HUNTER, and CHACE, were appointed the committee.

The bill, entitled "An act for the relief of Henry Malcolm," was read the second time, and referred to the committee last mentioned, to consider and report thereon.

The bill, entitled "An act for the relief of William H. Savage," was read the second time, and referred to the Committee on Naval Affairs, to consider and report thereon.

The bill, entitled "An act for the relief of Mary Chevers," was read the second time, and referred to the Committee on Naval Affairs, to consider and report thereon.

The Senate resumed the consideration of the report of the Committee on Foreign Relations, on the petition of Don Ramon de Lenares Gonzales, and Don Ramon de Calmenero. Where-

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upon, the petitioners had leave to withdraw their petition with the accompanying documents.

The resolution for the appointment of a joint committee to inquire into the expediency of establishing permanent rules for regulating and conducting the printing of the Senate and House of Representatives, was read the second time.

The bill to authorize two lotteries in Georgetown, District of Columbia, was read the second time.

The bill, entitled "An act to alter and establish certain post roads," was read the second time, and referred to a select committee, to consist of five members, to consider and report thereon; and Messrs. LACOCK, MASON, ROBERTS, DAGGETT, and TAIT, were appointed the committee.

On motion, the petition of Harry Toulmin and others, and of William Law and others, presented the 19th instant, was referred to the committee last mentioned, to consider and report thereon.

The bill for the relief of George Ulmer was read the second time.

The bill authorizing the Secretary for the Department of War to purchase of William Tatham military models and apparatus, and topographical charts, was read the second time.

The bill, entitled "An act for the relief of Dennis Clark," was read the second time, and referred to the committee appointed the 4th of February, on the memorial of Thomas Cooper and others, to consider and report thereon.

The Senate proceeded to consider the amendments of the House of Representatives to the bill, entitled "An act for the relief of Isaac Clason," and concurred therein.

The bill to incorporate the subscribers to a bank in the town of Alexandria, in the District of Columbia, by the name and style of the Union Bank of Alexandria, was resumed as in Committee of the Whole.

On motion, by Mr. KING, that it be postponed to the first Monday in December next, it was determined in the negative.

On motion, by Mr. TAIT, the bill was postponed to Monday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the better organization of the courts of the United States within the State of New York;" and, after debate, the further consideration thereof was postponed to, and made the order of the day for, Wednesday next.

TUESDAY, March 22.

Mr. BRENT, from the committee to whom was referred the bill, entitled "An act to alter the time for holding the district courts of the United States for the Virginia district," reported it without amendment; and it was considered as in Committee of the Whole, and passed to a third reading; and was read a third time by unanimous consent; and passed.

Mr. WORTHINGTON, from the Committee on Military Affairs, to whom the subject was referred, reported a bill authorizing the President of

the United States to exchange a certain parcel of land in the city of New York for other lands in the same city; and the bill was read, and passed to the second reading.

Mr. LACOCK, from the committee to whom was referred the bill, entitled "An act for the relief of Stephen Girard," reported it without amendment.

The PRESIDENT communicated a report of the Secretary for the Department of State, on the memorial of Jonathan S. Smith, of Philadelphia, referred to him the 7th instant; and the report was read. It is as follows:

DEPARTMENT OF STATE. March 16, 1814.

The Secretary of State, to whom was referred, by a resolution of the Senate of the 7th instant, the memorial of Jonathan S. Smith, of Philadelphia, praying compensation for the loss of a quantity of coffee in Algiers, has the honor to report:

That the said Jonathan S. Smith appears to have been engaged in commerce with the town of Algiers in the year 1812, when the Dey, without any just cause, and in violation of the existing treaty between the United States and the Regency, declared war against the United States; that, by an article of the treaty, it is stipulated "that should war break out between the two nations, the Consul of the United States and all citizens of the said States shall have leave to embark themselves and property unmolested on board of what vessel or vessels they should think proper." That the injunction imposed by the Dey on the Consul General of the United States and other American citizens, to leave Algiers before the petitioner could dispose of his coffee, or to provide the means of carrying it elsewhere, gave him a claim on the Regency for an indemnity whenever a peace shall be made, which it is the duty of the United States to endeavor to obtain for him; that the violation of a treaty by one Power, to the injury of another, does not make the latter responsible to its own citizens or to others for the losses which they may thereby sustain; that neither party to a treaty can be considered a guarantee for the faithful performance of its conditions by the other; that the only claim which the citizens of either have in such case on their own Government is, for its good offices in doing all that it can, consistently with the general interests of the community, to obtain for them an indemnity. JAMES MONROE.

The VICE PRESIDENT of the United States, &c.

The PRESIDENT also communicated a report of the Assistant Postmaster General on unproductive post roads; which was read, and referred to the committee who have under consideration the bill, entitled "An act to alter and establish certain post roads," to consider and report thereon.

The bill directing the disposition of money paid into courts of the United States was read the second time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the more effectual enforcing of the non-importation laws, by forbidding the courts to deliver to the claimants, pending the trial, merchandise, or other articles, seized under the same;" and, after debate, on motion, by Mr. GILES, that the further consideration thereof be postponed to the next session of Congress, it was determined in the affirmative—yeas 17, nays 15, as follows:

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Pennsylvania Resolutions.

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YEAS—Messrs. Brown, Daggett, Fromentin, Gaillard, German, Giles, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Mason, Smith, Stone, and Wells.

NAYS—Messrs. Anderson, Bibb of Kentucky, Bibb of Georgia, Brent, Chace, Condit, Howell, Lacock, Morrow, Roberts, Robinson, Tait, Taylor, Turner, and Varnum.

A message from the House of Representatives informed the Senate that they recede from all their amendments disagreed to by the Senate to the bill, entitled "An act for the better organizing, paying, and supplying the Army of the United States," except the 16th amendment, on which they insist. They also agree to the amendments of the Senate to their amendments on the said bill.

WEDNESDAY, March 23.

The bill authorizing the President of the United States to exchange a certain parcel of land in the city of New York for other lands in the same city, was read the second time.

Mr. GAILLARD, from the Committee on Naval Affairs, to whom was referred the bill, entitled "An act for the relief of Mary Chevers," reported it without amendment; and, from the same committee, he also reported the bill, entitled "An act for the relief of William H. Savage," without amendment.

The PRESIDENT communicated a report of the Secretary for the Department of War, on the petition of Daniel Pettibone, referred to him the 10th of February; which was read, and the report, together with the accompanying papers, was referred to the Committee on Military Affairs, to consider and report thereon by bill or otherwise.

Mr. ANDERSON, from the committee to whom was referred the bill, entitled "An act declaring the assent of Congress to an act of the General Assembly of the State of Tennessee therein mentioned," reported it with amendments.

The Senate proceeded to consider the sixteenth amendment, insisted on by the House of Representatives to the bill, entitled "An act for the better organizing, paying, and supplying the Army of the United States," and,

Resolved, That they *insist* on their disagreement to the said amendment, and ask a conference on the disagreeing votes of the two Houses.

Ordered, That Messrs. WORTHINGTON, SMITH, and VARNUM, be the managers at the said conference on the part of the Senate.

On motion, by Mr. GAILLARD, the bill authorizing the augmentation of the Marine Corps was referred to the Committee on Naval Affairs, further to consider and report therein.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to amend the act, entitled 'An act laying duties on sales at auction of merchandisc, and of ships and vessels;'" and no amendment having been proposed, the bill was ordered to the third reading; and, on motion, by Mr. ANDERSON, the bill was read a third time by unanimous consent, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of George Ulmer; and, after debate, on motion, by Mr. MASON, the further consideration thereof was postponed to the first Monday in December next.

PENNSYLVANIA RESOLUTIONS.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of

Representatives of the United States:

At the request of the Legislature of Pennsylvania, conveyed through the Governor of that State, I transmit to Congress copies of its resolutions of the 10th instant.

JAMES MONROE.

MARCH 22, 1814.

The Resolutions are as follow :

The people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, to promote the general welfare and secure the blessings of liberty to themselves and to their posterity, did ordain and solemnly adopt a Constitution for the United States.

"This Government, the offspring of our choice, (says Washington,) uninfluenced and unawed, adopted on full investigation and mature deliberation, completely free in its principles in the distribution of its powers, uniting security with energy, has a just claim to our confidence and support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle and of fatal tendency. And the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts, merits the frown of indignity."

This Constitution, the palladium of our political prosperity and safety, declares that the Congress shall have power to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions; to provide for organizing, arming, and disciplining the militia; and for governing such part of them as may be employed in the service of the United States. The Constitution also declares that "this Constitution, and the laws of the United States which shall be made in pursuance thereof, shall be the supreme law of the land." It also further declares, that it is treason against the United States to levy war against them, to adhere to their enemies, or to give them aid or comfort. In pursuance of the powers thus vested in the Congress of the United States, they did pass laws providing for the calling the militia into the service of the United States, and for their government while in that service, enacting that, while employed in such service, they should be subject to the same rules and articles of war as the troops of the United States, and also imposing a penalty on those who should encourage or promote desertion among the troops in said service.

In the face of those Constitutional provisions, and laws enacted by Congress in pursuance thereof, the Legislature of Pennsylvania behold, with astonishment

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Repeal of the Embargo.

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and high disapprobation, the Executive of a sister State, issuing his proclamation, ordering a detachment of the militia of that State, then in the service of the United States, to desert that service, and return to their respective homes. With no less astonishment and disapprobation do they behold a resolution laid on the table of the Legislature of another State, evidently intended to intimidate, or to prevent the Congress of the United States from directing the President to institute a legal inquiry, whether or not the Constitution and laws of the United States have been violated by the aforesaid proclamation, accompanied by a threat that if such inquiry is instituted, they will aid in resisting it—a procedure calculated to add to the calamities of the war, in which the United States have been compelled to engage, in defence of their liberty and independence, the horrors of a civil war. Deprecating such an event, and feeling it as a duty which we owe to ourselves, our Government, and our country, to express our high disapprobation and abhorrence of all measures calculated to produce such disastrous consequences, and our determination to support the General Government in all Constitutional and lawful measures in bringing to justice all those who violate the Constitution and the laws of the United States, and who, either directly or indirectly adhere to, or afford aid or comfort, to our common enemy; therefore,

Resolved, By the Senate and House of Representatives of this Commonwealth, that they view with the utmost concern and disapprobation, every attempt to screen from just punishment any individual or individuals, however elevated by station, who may violate the Constitution or laws of the United States, or who may directly or indirectly adhere to, or afford aid or comfort to the enemies of our beloved country.

Resolved, That we will, to the utmost of our power as a Legislature, or as individual members of society, support the General Government in all lawful and Constitutional measures to bring to justice infractors of the laws and Constitution of the United States, and all abettors and aiders of the enemies thereof.

Resolved, That the Governor be requested to transmit a copy of the foregoing preamble and resolutions to the President of the United States, with a request that he will lay the same before Congress.

The Message and resolutions therein referred to were read.

REPEAL OF THE EMBARGO.

Mr. HORSEY presented sundry petitions signed by a number of persons, citizens of the State of Delaware, stating that, owing to changes on the continent of Europe, the embargo no longer affected Great Britain; that at this time the measure was peculiarly distressing to the people of the United States, and particularly to the petitioners. They therefore pray that Congress in their wisdom may repeal the act laying an embargo, &c.

The petition being read,

Mr. H. said it was not his intention at this time to enter upon a discussion of the motion he was about to make. He meant only to make a general remark or two tending to show the propriety of the course he was about to adopt. Mr. H. said he fully appreciated the situation of the petitioners; that whatever policy may have dictated the embargo, he felt a strong conviction in his mind that that policy had now, to a great

degree, if not in toto, ceased; that the extraordinary revolutions which had taken place on the continent of Europe, the accounts of which had reached us since the passing of the act laying an embargo, have released the enemy most essentially from whatever pressure the act may have been calculated to produce upon him. Besides, said he, the aspect of our affairs has materially changed since the adoption of this measure. When adopted, it was known that Great Britain had declined the mediation of the Emperor of Russia, but it was not known that any new channel of negotiation would be opened. A pacific advance has since, however, been made by Great Britain, and accepted on the part of our Government; a negotiation, is now pending, which we all hope will issue in peace. Moreover, said Mr. H., the great pressure of the restrictive system, of which the embargo is a main feature, has hitherto been confined to the *people* of the United States. It is now beginning to extend itself essentially to the finances of the Government. We have been already admonished, and he prayed gentlemen to take the warning in season. The fatal effects of the system which for the past have fallen upon the commerce and agriculture of the country are now, he feared, about to fall upon the credit and operations of the Government. He, therefore, hoped that the measure would be immediately abandoned.

Mr. H. submitted the following resolution:

Resolved, That the petitions just read be referred to a select committee; and that the committee be instructed to prepare and report a bill to repeal the act laying an embargo on ships and vessels in the ports and harbors of the United States, passed the 17th day of December, 1813.

The resolution was ordered to be printed, and made the order of the day for Friday next.

TUESDAY, March 24.

Mr. WORTHINGTON, from the Committee on Military Affairs, to whom was referred the petition of Daniel Pettibone, together with the report of the Secretary for the Department of War thereon, made report. Whereupon, the petitioner had leave to withdraw his petition and papers.

On motion, by Mr. GORE, the bill, entitled "An act for the relief of Samuel Ellis," was referred to a select committee to consider and report thereon; and Messrs. GORE, SMITH, and CHACE, were appointed the committee.

Mr. BROWN, from the committee to whom was referred the petition of Abraham Chaplain, made report. Whereupon, the petitioner had leave to withdraw the said petition and papers.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act declaring the assent of Congress to an act of the General Assembly of the State of Tennessee therein mentioned;" and the bill having been amended, it was ordered to lie on the table.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to amend the act, entitled 'An act laying

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duties on notes of banks, bankers, and certain companies; on notes, bonds, and obligations, discounted by banks, bankers, and certain companies; and on bills of exchange of certain descriptions."

On motion, by Mr. VARNUM, the further consideration thereof was postponed to the first Monday in December next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to authorize the Secretary of the Treasury to subscribe, in behalf of the United States, for seven hundred and fifty shares in the capital stock of the Chesapeake and Delaware Canal Company.

On motion, by Mr. MASON, that the further consideration thereof be postponed to the first Monday in December next, it was determined in the negative; and, on motion, by Mr. HORSEY, the further consideration thereof was postponed to, and made the order of the day for, next Monday week.

The bill to amend the act, entitled "An act for the relief of Oliver Evans," was resumed.

On motion, by Mr. BIBB, of Kentucky, that the further consideration thereof be postponed to the first Monday in December next, it was determined in the negative; and, the bill having been amended, the PRESIDENT reported it to the House accordingly.

On the question, Shall this bill be engrossed and read a third time as amended? it was determined in the negative—yeas 9, nays 22, as follows:

YEAS—Messrs. Bibb of Georgia, German, Lacock, Roberts, Robinson, Smith, Stone, Varnum, and Worthington.

NAYS—Messrs. Anderson, Bibb of Kentucky, Brent, Chace, Condit, Daggett, Fromentin, Gaillard, Giles, Gilman, Goldsborough, Gore, Horsey, Howell, Hunter, Lambert, Mason, Morrow, Tait, Taylor, Turner, and Wells.

The motion submitted by Mr. GORE, as is stated on the 7th instant, was resumed; and, on motion, by Mr. WELLS, it was postponed to, and made the order of the day for, Monday next.

On motion, by Mr. GILES, the order of the day was postponed, and the Senate resumed the resolution for the appointment of a joint committee to inquire into the expediency of establishing permanent rules for regulating and conducting the printing of the Senate and House of Representatives; and, on the question, Shall this resolution be engrossed and read a third time? it was determined in the affirmative.

On motion, by Mr. MORROW, the order of the day was postponed, and the Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act concerning Shawneetown," and, no amendment having been offered, the bill was ordered to pass to a third reading.

On motion, by Mr. HORSEY, the order of the day was postponed, and the Senate resumed, as in Committee of the Whole, the consideration of the bill to authorize two lotteries in Georgetown, District of Columbia; and, no amendment hav-

ing been proposed, the bill was ordered to be engrossed and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to amend the act, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions."

On motion, by Mr. GERMAN, that the further consideration thereof be postponed to the first Monday in December next, it was determined in the affirmative—yeas 18, nays 12, as follows:

YEAS—Messrs. Bibb of Kentucky, Bibb of Georgia, Chace, Condit, German, Gilman, Gore, Howell, Lambert, Mason, Morrow, Roberts, Stone, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS—Messrs. Anderson, Brent, Brown, Daggett, Fromentin, Gaillard, Giles, Goldsborough, Horsey, Hunter, Smith, and Wells.

The Senate resumed the consideration of the joint resolution fixing the time for an adjournment of the present session of Congress; and, on motion, by Mr. BIBB, of Georgia, the further consideration thereof was postponed to Thursday next.

Mr. BROWN, from the committee to whom was referred the bill, entitled "An act for the final adjustment of land titles in the State of Louisiana and Territory of Missouri," reported it with amendments.

Mr. WORTHINGTON, from the committee of conference on the 16th amendment to the bill, entitled "An act for the better organizing, paying, and supplying the Army of the United States," reported that the conferees had agreed to a modification of the amendment.

The resolution for the appointment of a joint committee to inquire into the expediency of establishing permanent rules for regulating and conducting the printing of the Senate and House of Representatives, was read a third time by unanimous consent, and passed. And Messrs. GILES, FROMENTIN, and DAGGETT, were appointed the committee on the part of the Senate.

PETITION OF STEPHEN GIRARD.

Mr. ROBERTS from the committee to whom was referred the petition of Stephen Girard, of Philadelphia, on the subject of the ransom of the ship *Montesquieu*, made the following report:

That, after a careful examination of the petitioner's allegations, they see no reasons for considering the importations in the *Montesquieu* as being placed in a different situation, as to the payment of duties, on account of the ransom of that vessel. The ransoming differs not from any other commercial adventure in its principle. The petitioner was permitted to ransom his vessel by the Government, on his own application, for the promotion of his own interest, and it was in character an indulgence. It is not suggested the interest of the petitioner has suffered by the adventure. If the act of ransoming be considered as a partnership act between the petitioner and the Government, that would justify, even in the event of loss, a diminution of duties, the rule of justice, in the event of profit, would give him a participation in the net gain. The committee, not seeing there is any valid-

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ity in the suggestion of common interest, and finding no loss is alleged, submit a resolution, as follows :

Resolved, That the petitioner have leave to withdraw his petition.

FRIDAY, March 25.

The bill to authorize two lotteries in Georgetown, District of Columbia, was read a third time, and the blanks filled.

On the question, Shall this bill pass? it was determined in the affirmative—yeas 17, nays 11, as follows :

YEAS—Messrs. Anderson, Bibb of Kentucky, Brent, Brown, Daggett, Gaillard, Giles, Gilman, Goldsborough, Horsey, Howell, Hunter, Lambert, Smith, Tait, Taylor, and Wells.

NAYS—Messrs. Bibb of Georgia, Chace, Condit, German, Lacock, Morrow, Roberts, Stone, Turner, Varnum, and Worthington.

On motion, by Mr. BIBB of Kentucky,

Ordered, That a member be added to the committee who have under consideration the memorial and resolutions of the Legislature of the State of Kentucky, relative to a division line between that State and the State of Tennessee, in place of Mr. BLEDSOE; and Mr. BIBB, of Kentucky, was appointed.

Mr. GORE, from the committee to whom was referred the bill, entitled "An act for the relief of Seth Russell and Sons," reported it without amendment.

The report of the conferees on the 16th amendment to the bill for the better organizing, paying, and supplying the Army of the United States, was resumed, and is as follows :

Mr. Worthington, from the conferees, reported their agreement to the amendment of the House of Representatives to the said bill, with the addition of the following proviso, at the end of the fourteenth section of the said bill, viz : "*Provided*, That nothing herein contained shall be construed to entitle any prisoner of war, whose term of service shall have expired, to the pay and compensation herein provided, after the date of his parole."

On the question to agree thereto, it was determined in the negative. Whereupon,

Resolved, That a further conference be asked on the disagreeing votes of the two Houses on the said sixteenth amendment.

Ordered, That Messrs. SMITH, VARNUM, and WORTHINGTON, be the managers on the part of the Senate.

Mr. GORE submitted the following motion for consideration, which was read, as follows :

Resolved, That the President of the United States be requested to cause to be laid before the Senate copies of the following commissions, viz : of those granted to William Paca, district judge of Maryland, and to William Nelson, jr., marshal of the district of Virginia, referred to in the Message of the President, dated February 9, 1790; of that granted to John Rutledge, Chief Justice of the United States, referred to in the President's Message of December 10, A. D. 1795; and of that granted to Albert Gallatin, John Quincy Adams, and James A. Bayard, to negotiate a treaty of peace with the United Kingdom of Great Britain and Ireland,

referred to in the President's Message of the 29th of May last, as having been granted during the recess of the Senate.

The bill, entitled "An act concerning Shawneetown," was read a third time, and passed.

On motion, by Mr. HORSEY, the motion submitted yesterday, for the appointment of a committee on the petitions of the citizens of Delaware, was postponed to, and made the order of the day for, Tuesday next.

The consideration of the bill, entitled "An act for the better organization of the Courts of the United States within the State of New York," was resumed, and, on motion by Mr. GERMAN, postponed to, and made the order of the day for, Monday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of Joshua Sands, late collector of the customs for the port of New York;" and, no amendment having been proposed, the bill was ordered to a third reading; and, on motion by Mr. SMITH, it was read a third time by unanimous consent, and passed.

The Senate resumed the consideration of the report of the select committee on the petition of Stephen Girard, on the subject of the ransom of the ship *Montesquieu*. Whereupon, the petitioner had leave to withdraw his petition.

On motion, by Mr. ANDERSON, the Senate agreed to postpone the several orders of the day, and resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act declaring the assent of Congress to an act of the General Assembly of the State of Tennessee therein mentioned;" and, the bill having been amended, the President reported it to the House accordingly.

On the question, Shall the amendments be engrossed and the bill read a third time as amended? it was determined in the affirmative.

Mr. SMITH gave notice that to-morrow he should ask leave to bring in a bill to continue in force an act declaring the assent of Congress to certain acts of the States of Maryland and Georgia.

SATURDAY, March 26.

Mr. SMITH asked and obtained leave to bring in a bill to revive and continue in force "An act declaring the assent of Congress to certain acts of the States of Maryland and Georgia;" and the bill was read, and passed to the second reading.

The amendments to the bill, entitled "An act declaring the assent of Congress to an act of the General Assembly of the State of Tennessee, therein mentioned," was read a third time as amended, and passed.

Mr. SMITH presented the petition of William McDonald and Son, in behalf of the proprietors of the steamboat *Chesapeake*, praying vessels propelled by steam, employed in the transportation of passengers, may be exempt from a duty on tonnage, for reasons stated in the petition; which was read.

Mr. GAILLARD, from the Committee on Naval Affairs, to whom was referred the bill authorizing

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the augmentation of the Marine Corps, reported it with amendments.

The bill, entitled "An act for the relief of Mary Philip Le Duc," was resumed, as in Committee of the Whole, and passed to a third reading; and, on motion, was read a third time by unanimous consent, and passed.

The Senate resumed the consideration of the motion submitted yesterday, by Mr. GORE, requesting copies of certain commissions, and agreed thereto.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of David Porter, a Commander in the Navy of the United States, together with the amendment reported thereto by the select committee; and the amendment having been agreed to, the President reported the bill to the House accordingly; and the bill was ordered to be engrossed and read a third time as amended. And it was read a third time, by unanimous consent, and passed.

On motion, by Mr. BROWN, it was agreed that the title thereof be "An act for the relief of David Porter and his officers and crew."

The bill, entitled "An act supplementary to an act, entitled 'An act for the relief of Thomas Wilson,'" was resumed, as in Committee of the Whole, and passed to a third reading; and was read a third time, by unanimous consent, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of Edwin T. Satterwhite, late purser of the Vixen," together with the amendments reported thereto by the select committee; and the amendments having been agreed to, the President reported the bill to the House accordingly, and it was ordered to be read a third time as amended.

The bill to fix the compensation of the clerks employed in the offices of the Secretary of the Senate and Clerk of the House of Representatives was resumed, as in Committee of the Whole, and the further consideration thereof postponed to Monday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Joseph Brevard; and, no amendment having been proposed, the bill was ordered to be engrossed and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill authorizing the purchase of a library for the use of the Judges of the Supreme Court of the United States, together with the amendments reported thereto by the select committee; and, the amendments having been agreed to, the President reported the bill to the House accordingly, and it was ordered to be engrossed and read a third time as amended.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act authorizing the President to cause to be built or purchased the vessels therein described;" and, on motion by Mr. TART, the further consideration thereof was postponed to the first Monday in December next.

The joint resolution fixing the time for an ad-

jourment of the present session of Congress was resumed, and the consideration thereof was further postponed to Thursday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill authorizing the President of the United States to exchange a certain parcel of land in the city of New York for other lands in the same city; and the bill having been amended, the President reported it to the House accordingly, and it was ordered to be engrossed and read a third time as amended.

The bill was then read a third time by unanimous consent, and passed.

A message from the House of Representatives informed the Senate that the House agree to the further conference on the sixteenth amendment to the bill, entitled "An act for the better organizing, paying, and supplying the Army of the United States." The House concur in the resolution for the appointment of a joint committee to inquire into the expediency of establishing permanent rules for regulating and conducting the printing of the Senate and House of Representatives, with an amendment, in which they request the concurrence of the Senate.

The Senate proceeded to consider the amendment of the House of Representatives to the resolution last mentioned, and concurred therein.

Mr. WORTHINGTON, from the committee of conference on the 16th amendment to the bill, entitled "An act for the better organizing, paying, and supplying the Army of the United States," reported it modified by the addition of the following proviso at the end thereof: *Provided*, That nothing herein contained shall be construed to entitle any prisoner of war of the militia to pay and compensation herein provided, after the date of his parole, other than the travelling expenses allowed by law: Whereupon,

Resolved, That the Senate so far recede from their disagreement to the said amendment as to agree to the modification reported by the committee of conference.

Mr. WORTHINGTON presented the memorial of Robert Brent, Paymaster of the Army, praying a further appropriation to enable him to employ in his office an additional number of clerks, and an augmentation of his own compensation, for reasons stated at large in the memorial; which was read, and referred to the Committee on Military Affairs, to consider and report thereon by bill or otherwise.

MONDAY, March 28.

Mr. BIRD, of Kentucky, gave notice that tomorrow he should ask leave to bring in a bill for prolonging the charters of the banks within the District of Columbia, upon certain conditions.

Mr. WORTHINGTON, from the Committee on Military Affairs, to whom was referred the petition of Samuel Barker, reported, that the case is a hard one, but that numerous applications of a similar kind having been rejected on the same principle, the committee are of opinion, that, without a general provision, it would be inexp-

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dient to grant the prayer of the petitioner, and that he have leave to withdraw it.

Mr. STONE gave notice that to-morrow he should ask leave to bring in a bill for removing the collector's office from the district of Camden, in the State of North Carolina, from Plank Bridge, on Sawyer's creek, to Elizabeth city.

The bill to revive and continue in force "An act declaring the assent of Congress to certain acts of the States of Maryland and Georgia," was read the second time, and considered as in Committee of the Whole; and, no amendment having been proposed, the bill was ordered to be engrossed and read a third time.

Mr. GORE, from the committee to whom was referred the bill, entitled "An act for the relief of Samuel Ellis," reported it without amendment; and it passed to a third reading.

The engrossed bill for the relief of Joseph Brevard, having been reported correct, was read a third time, and passed.

An engrossed bill authorizing the purchase of a library for the use of the Judges of the Supreme Court of the United States, was read a third time.

On motion, by Mr. FROMENTIN, to fill the blank with "10,000," it was determined in the negative. As, also, to fill it with "9,000;" and, on motion by Mr. GORE, it was agreed to fill the blank with "8,000."

Resolved, That this bill pass, and that the title thereof be "An act authorizing the purchase of a library for the use of the Judges of the Supreme Court of the United States."

The amendments to the bill, entitled "An act for the relief of Edwin T. Satterwhite, late purser of the Vixen," having been reported correct, the bill was read a third time, as amended, and passed.

A message from the House of Representatives informed the Senate that the House so far recede from the 16th amendment to the bill, entitled "An act for the better organizing, paying, and supplying the Army of the United States," as to agree to the modification reported by the committee of conference. They have also passed the bill, entitled "An act providing for the indemnification of certain claimants of public lands in the Mississippi Territory," with amendments, in which they request the concurrence of the Senate.

The Senate proceeded to consider the amendments of the House of Representatives to the bill last mentioned; and concurred therein.

On motion, by Mr. GORE, the consideration of the motion submitted by him, as is stated the 7th instant, was further postponed to, and made the order of the day for, Thursday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the better organization of the courts of the United States, within the State of New York."

On motion, by Mr. BRENT, the consideration of the bill to incorporate the subscribers to the stock of the Union Bank of Alexandria was further postponed to, and made the order of the day for Monday next.

On motion, it was referred to a select committee, to consider and report thereon; and Messrs. GORE, DAGGETT, and TAYLOR, were appointed the committee.

MILITARY ACADEMY.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to establish an additional Military Academy; and, on motion, by Mr. VARNUM, that the further consideration thereof be postponed to the first Monday in December next, it was determined in the negative—yeas 12, nays 18, as follows:

YEAS—Messrs. Chace, Condit, Daggett, German, Gilman, Goldsborough, Gore, Howell, Mason, Robinson, Turner, and Varnum.

NAYS—Messrs. Anderson, Bibb of Kentucky, Brent, Brown, Dana, Fromentin, Gaillard, Giles, Horsey, Hunter, Lacock, Morrow, Roberts, Smith, Stone, Tait, Wells, and Worthington.

On motion, by Mr. FROMENTIN, to strike out these words, "vicinity of the borough of Pittsburg, in the State of Pennsylvania;" and insert, in lieu thereof, "District of Columbia;" Mr. DANA called for a division of the question, which was taken on striking out, and determined in the affirmative—yeas 19, nays 12, as follows:

YEAS—Messrs. Anderson, Bibb of Ky., Brent, Brown, Daggett, Dana, Fromentin, Gaillard, Giles, Goldsborough, Horsey, Hunter, Mason, Stone, Tait, Taylor, Turner, Varnum, and Wells.

NAYS—Messrs. Chace, Condit, German, Gilman, Gore, Howell, Lacock, Morrow, Roberts, Robinson, Smith, and Worthington.

On motion, by Mr. SMITH, that the further consideration of the bill be postponed to the first Monday in December next, it was determined in the negative—yeas 16, nays 16, as follows:

YEAS—Messrs. Chace, Condit, Daggett, German, Gilman, Goldsborough, Gore, Howell, Hunter, Lambert, Mason, Robinson, Smith, Stone, Varnum, and Wells.

NAYS—Messrs. Anderson, Bibb of Kentucky, Brent, Brown, Dana, Fromentin, Gaillard, Giles, Horsey, Lacock, Morrow, Roberts, Tait, Taylor, Turner, and Worthington.

The Senate being equally divided, the PRESIDENT determined the question in the negative.

TUESDAY, March 29.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

I transmit to the Senate a report of the Secretary of State, complying with their resolution of the 26th instant.

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JAMES MADISON.

The Message and accompanying documents were read, and ordered to be printed.

Mr. STONE asked and obtained leave to bring in a bill, making Elizabeth City the port of entry and delivery for the district of Camden, in the State of North Carolina; and the bill was read, and passed.

Mr. GOLDSBOROUGH presented the memorial of

Bowie and Kurtz, and others, owners of the ship *Allegany*, praying to be reimbursed the value of said vessel, which was seized and condemned at Gibraltar by the enemy, whilst employed in the service of the United States, for reasons stated at large in the memorial; which was read, and referred to a select committee, to consider and report thereon, by bill or otherwise; and Messrs. GOLDSBOROUGH, GORE, and HOWELL, were appointed the committee.

The bill to revive and continue in force "An act declaring the assent of Congress to certain acts of the States of Maryland and Georgia," was read a third time, and passed.

The bill, entitled "An act for the relief of Samuel Ellis," was read a third time, and passed.

Mr. BIBB, of Georgia, from the Committee on Foreign Relations, to whom was referred the bill, entitled "An act for the relief of John W. Page," reported it without amendment; and the bill was resumed, and considered as in Committee of the Whole, and passed to a third reading; and, on motion, it was read a third time by unanimous consent, and passed.

Mr. BIBB, of Georgia, from the Committee on Foreign Relations, to whom was referred the bill, entitled "An act for the relief of the owners of the cargo of the brig *Patriota*," reported it without amendment; and the bill was resumed, and considered as in Committee of the Whole; and, on motion, by Mr. BIBB, of Georgia, that the further consideration thereof be postponed to the first Monday in December next, it was determined in the negative.

On motion, by Mr. ROBERTS, that the further consideration thereof be postponed, it was determined in the negative.

On the question, Shall this bill be read a third time? it was determined in the affirmative—yeas 21, nays 11, as follows:

YEAS—Messrs. Anderson, Brent, Brown, Daggett, Dana, Fromentin, Gaillard, German, Giles, Gilman, Goldsborough, Gore, Horsey, Howell, Hunter, Lambert, Mason, Smith, Tait, Taylor, and Worthington.

NAYS—Messrs. Bibb of Kentucky, Bibb of Georgia, Chace, Condit, Lacoock, Morrow, Roberts, Robinson, Stone, Turner, and Varnum.

Mr. BIBB, of Georgia, from the Committee on Foreign Relations, to whom was referred the bill, entitled "An act for the relief of George Walkington," reported it without amendment; and the bill was resumed, as in Committee of the Whole, and considered; and, no amendment having been offered, passed to a third reading; and, on motion, it was read a third time by unanimous consent, and passed.

A message from the House of Representatives informed the Senate that they have passed a bill, entitled "An act in addition to the act, entitled 'An act to provide for calling forth the militia, to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes;' in which bill they request the concurrence of the Senate.

The bill last mentioned was twice read by unanimous consent, and referred to the Commit-

tee on Military Affairs, to consider and report thereon.

Mr. WORTHINGTON, from the Committee on Military Affairs, to whom the subject was referred, reported a bill, fixing the salary of the Paymaster of the Army of the United States, and allowing a sum for the employment of additional clerks in his office for the year 1814; and the bill was read, and passed to the second reading.

WEDNESDAY, March 30.

The bill making Elizabeth City the port of entry and delivery for the district of Camden, in the State of North Carolina, was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. STONE, VARNUM, and TURNER, were appointed the committee.

The bill fixing the salary of the Paymaster of the Army of the United States, and allowing a sum for the employment of additional clerks in his office for the year 1814; was read the second time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to fix the compensation of the clerks employed in the offices of the Secretary of the Senate and Clerk of the House of Representatives; and it was ordered to be engrossed, and read a third time.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act concerning the pay of the officers, seamen, and marines, in the Navy of the United States;" also, a bill, entitled "An act authorizing the appointment of agents for paying military pensions;" in which bills they request the concurrence of the Senate.

The two bills last mentioned were read, and passed to the second reading.

Mr. BIBB of Georgia, from the Committee on Foreign Relations, to whom was referred the bill, entitled "An act for the relief of Daniel McCauley and Samuel Ralston," reported it without amendment; and the bill was resumed, and considered as in Committee of the Whole; and, on motion, by Mr. BIBB of Georgia, that the further consideration thereof be postponed to the first Monday in December next, it was determined in the negative—yeas 11, nays 22, as follows:

YEAS—Messrs. Bibb of Kentucky, Bibb of Georgia, Chace, Lacoock, Morrow, Roberts, Robinson, Tait, Taylor, Varnum, and Worthington.

NAYS—Messrs. Anderson, Brent, Brown, Condit, Daggett, Dana, Fromentin, Gaillard, German, Giles, Gilman, Goldsborough, Gore, Horsey, Howell, Hunter, Lambert, Mason, Smith, Stone, Turner, and Wells.

On motion, by Mr. BIBB, of Georgia, the bill having been amended, the President reported it to the House accordingly; and it was ordered to be read a third time, as amended.

The bill, entitled "An act for the relief of the owners of the cargo of the brig *Patriota*," was read a third time, and passed.

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THURSDAY, March 31.

Mr. GORE, from the committee to whom was referred the bill, entitled "An act for the better organization of the courts of the United States within the State of New York," reported it without amendment.

Mr. STONE, from the committee to whom was referred the bill making Elizabeth City the port of entry and delivery for the district of Camden, in the State of North Carolina, reported it with an amendment, which was considered as in Committee of the Whole, and agreed to; and the President reported the bill to the House accordingly; and it was ordered to be engrossed and read a third time, as amended.

Mr. GILES, from the committee appointed to consider the subject, reported a bill to incorporate the stockholders of the Columbian Manufacturing Company; and the bill was read, and passed to the second reading.

Mr. WORTHINGTON, from the Committee on Military Affairs, to whom was referred the bill, entitled "An act supplementary to an act, entitled 'An act for the relief of the officers and soldiers who served in the late campaign on the Wabash,'" reported it without amendment.

The bill, entitled "An act concerning the pay of the officers, seamen, and marines, in the Navy of the United States," was read the second time.

The bill, entitled "An act authorizing the appointment of agents for paying military pensions," was read the second time.

The amendment to the bill, entitled "An act for the relief of Daniel McCauley and Samuel Ralston," having been reported by the committee correctly engrossed, the bill was read a third time, and passed with an amendment.

The engrossed bill to fix the compensations of the clerks employed in the offices of the Secretary of the Senate and Clerk of the House of Representatives, was read a third time; and on motion, by Mr. ROBERTS, that it be referred to a select committee farther to consider and report thereon, it was determined in the negative.

And the blanks were filled, first, with "1,500," second, "1,250."

Resolved, That this bill pass, and that the title thereof be "An act to fix the compensations of the clerks employed in the offices of the Secretary of the Senate and Clerk of the House of Representatives."

The joint resolution from the House of Representatives on the subject of the adjournment of the two Houses of Congress, was further postponed until Saturday next.

Mr. BROWN presented the petition of the widow and heirs of Leonard Marbury, deceased, stating that the said Marbury was appointed and commissioned, in the year 1776, to the command of a regiment of cavalry in the service of the United States, and praying remuneration for advances made by him in support of his said command, and for compensation due to him for his own services: and the petition was read, and referred to a select committee, to consider and report thereon

by bill or otherwise; and Messrs. BROWN, STONE, and MASON, were appointed the committee.

Ordered. That the motion made by Mr. HORSEY the 23d instant, for the appointment of a committee on the subject of the embargo, together with certain petitions on the subject, be referred to the Committee on Foreign Relations, to consider and report thereon.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of

Representatives of the United States:

Taking into view the mutual interests which the United States and the foreign nations in amity with them have in a liberal commercial intercourse, and the extensive changes favorable thereto which have recently taken place: taking into view, also, the important advantages which may otherwise result from adapting the state of our commercial laws to the circumstances now existing:

I recommend to the consideration of Congress the expediency of authorizing, after a certain day, exportations, specie excepted, from the United States, in vessels of the United States, and in vessels owned and navigated by the subjects of Powers at peace with them; and a repeal of so much of our laws as prohibit the importation of articles not the property of enemies, but produced or manufactured only within their dominions.

I recommend, also, as a more effectual safeguard and encouragement to our growing manufactures, that the additional duties on imports which are to expire at the end of one year after a peace with Great Britain, be prolonged to the end of two years after that event; and that, in favor of our moneyed institutions, the exportation of specie be prohibited throughout the same period.

JAMES MADISON.

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The Message was read, and referred to the Committee on Foreign Relations, to consider and report thereon by bill or otherwise.

EXECUTIVE APPOINTMENTS.

The Senate resumed the consideration of the motion submitted by Mr. GORE, as is stated on the 7th instant.

Mr. BIBB, of Georgia, rose and addressed the Chair as follows:

Mr. President:—The propositions now before the Senate, whether viewed in reference to the Constitutional grounds they assume, or to the circumstances which caused their introduction, present to my mind a most extraordinary aspect.

I shall endeavor to show, that if the principle laid down in the first resolution, from which the conclusions contained in the subsequent resolutions are deduced, were admitted, that the course of proceeding proposed is unauthorized by the Constitution. And I shall endeavor to show that the President has done as he ought to have done; that he has conformed to the fair interpretation of the Constitution, and to the uniform practice under it from the commencement of the Administration of General WASHINGTON to the period when commissions were granted to Albert Gallatin, John Q. Adams, and James A. Bayard.

Sir, we are called upon to annex by resolve a

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codicil to the Constitution—to usurp the authority of determining what are the powers belonging to another independent department of the Government; and, having prescribed such limits as may be suitable to our own purposes, we are then to decide that that department in the discharge of its duties has disregarded the obligations of the instrument from which its powers are derived. What clause of the Constitution, I ask, authorizes the Senate to expound its provisions for the President, or in this way to sit in judgment on his conduct? The Constitution has defined the respective limits of the departments—their rights, duties, and responsibilities; and the conduct of neither can be restrained or condemned by the other, except in the mode expressly provided. On the present occasion, however, it is gravely proposed to assume a power not granted, and to violate a maxim the soundness of which is universally admitted—that no man shall be a judge in his own cause. A trespass on the rights of the Senate is asserted, and the Senate are called upon to decide the case. The President of the United States is to be adjudged guilty of a violation of the Constitution which he has sworn to support; and that, too, without allowing him a privilege which is secured to every freeman—the privilege of being heard in his own defence. We are to become both accusers and judges. Yes, sir, the tribunal before whom the President is to be tried in case of impeachment, are now to accuse—to pre-judge—to condemn—to disqualify themselves as judges, if the House of Representatives should think it proper to impeach! Adopt the resolutions, and you will have done that which would disqualify a juror before any court, for sitting on the trial of an offender. I trust I shall not be told that the resolutions do not condemn the President—that they only express an opinion relative to the powers of the President. This would be quibbling in a manner and to an extent unworthy the dignity of this honorable body. You do propose solemnly to adjudge that he is guilty of an high offence—that he has violated the Constitution and disregarded the rights of the Senate.

The Constitutional control of the Senate over the Executive is particularly defined by the instrument; and unless the power of censure and condemnation now proposed to be exercised is among the powers enumerated, it does not exist. What are the controlling powers of the Senate? A negative on nominations to office and on treaties. The power of acquittal or condemnation in *case of impeachment*, and in *none other*, is also vested in this body. The power of accusing—of preparing articles of impeachment, is exclusively vested in the House of Representatives; and, considering the intimate connexion between the powers of the Executive and of the Senate, without this check in the other branch, the President would cease to be the head of a co-ordinate department of the Government—he would become a mere instrument in the hands of the Senate. The Constitution has wisely provided that the House of Representatives shall accuse before the Senate can condemn; and, sir, it is this barrier to the

absolute dominion of the Senate we are now called upon to destroy. Assume the authority of prescribing the limits of the Executive powers—of accusation and condemnation, and in every view of which the case is susceptible, I pronounce that you are guilty of an act of usurpation unparalleled in the history of this Government. If you can suppose a corrupt Senate and President, and an act committed by the latter meriting impeachment, the Senate may decide, for the purpose of avoiding investigation, that he is innocent; and thus the House of Representatives are virtually precluded the exercise of their Constitutional prerogative. It would be idle and absurd to impeach after the judges had decided on the guilt or innocence of the offender.

I do, therefore, sir, in the language of the resolutions, “solemnly protest” against the act proposed, as invading the rights of the other branch of the Legislature and Executive—as unauthorized by the Constitution.

I have already stated the Constitutional control of the Senate over nominations to office. That control might have been exercised in the case of the late mission to Russia. The Senate were competent to reject the nominations. But it is remarkable that the gentleman from Massachusetts, instead of employing his negative as he might have done, did vote for the nomination of John Q. Adams and James A. Bayard; thereby sanctioning the very act of the President, which he now proposes to denounce as unconstitutional.

The act having been thus confirmed, the control of the Senate has ceased until a treaty be concluded and submitted for their ratification or rejection. And, sir, if harmony between the departments be indispensable to the operations of this Government—if it be the vital principle of the Government—the proposed interference on the part of this body ought to excite the alarm and the indignation of the American people. It lays the axe to the root of that principle. If the Senate can censure the President in this way for appointments which he has thought proper to make, he may censure the Senate for their rejection of the nomination of Albert Gallatin; and the House of Representatives may also censure the Senate for usurping their Constitutional prerogative. The destructive consequences of this sort of crimination and recrimination, no man can foresee.

But, Mr. President, I will not dwell on this part of the subject. I will meet directly the resolutions, in the full persuasion that I shall demonstrate the fallacy of the Constitutional grounds they assume. Before, however, I proceed, permit me to remark that the arguments and precedents advanced by the gentleman from Massachusetts (Mr. GORE,) were wholly intended to prove that the President has not power to fill vacant offices unless the vacancies happen during the recess of the Senate—a point, as I shall show, not at all involved in the present case. If, according to my view of the matter, the case now the subject of complaint, was one in which the

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vacancy did happen during the recess of the Senate, that point is excluded from the discussion.

Let us examine the resolutions—

"The President of the United States having by the Constitution power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session,

Resolved, That in the opinion of the Senate no vacancy can happen in any office not before full."

I will make no question concerning the application of the word "office," or "vacancy," to a foreign mission; because it is not necessary to my present purpose. Nor shall I advert to other provisions of the Constitution which have been referred to; because, having no relation to the power of filling vacancies, they neither enlarge nor limit that power. The provision I have just read, is the only one which relates to the question before us; and it is from that provision alone that the Executive power of filling vacancies is derived. It delegates to the President *exclusively* the power to fill up *all* vacancies which happen during the recess of the Senate; and it will not be denied that where a discretionary power is granted to do a particular act, in the happening of certain events, that the party to whom the power is delegated is necessarily constituted the judge whether the events have happened, and whether it is proper to exercise the authority with which he is clothed. The President, therefore, is the judge whether vacancies have happened during the recess of the Senate, and whether the public interest required that they should be filled. The commissions thus granted, however, expire at the end of the next session of the Senate thereafter. This is the only limitation imposed on the power, and in this consists the only control of the Senate. The assumption of any other control is unauthorized by any rule of construction—is unwarranted by the Constitution. If the President abuse the power, appropriations may be withheld and the House of Representatives may impeach. These are the only checks, and they are amply sufficient, provided by the Constitution; and none other can be exercised, without an act of usurpation. The true interpretation of this part of the Constitution I take to be this:—that the Executive may fill all offices which from whatever causes happen to be vacant or unoccupied during the recess of the Senate, without regard to the precise period when they became so. The object unquestionably was to avoid inconveniences which might result to the nation from essential offices being vacant; and certainly these inconveniences can neither be increased nor diminished by the fact, that the vacancy did or did not happen while the Senate were in session. But I will not take this ground on the present occasion. I will agree with the gentleman from Massachusetts, that the President is not authorized to fill vacancies unless they *happen* during the recess of the Senate; and still deny that the principle assumed in his resolution is deducible from the premises.

I deny that the word "vacancy," in its usual acceptation or in its application to office, implies

a previous filling; and I call upon him to produce the authority of any writer who has given such an interpretation to the word. A vacant office is "an office unoccupied," "an office not filled." So soon as an office is created and as long as it exists, it is either vacant or it is full. If it be filled, it is not vacant—if it be not filled, it is vacant; and it is as manifestly vacant if it never has been filled as if the vacancy be created by the death of an incumbent. It is therefore obvious, that, supposing the President incompetent to fill any vacancy, except such as happens in the recess of the Senate, there can be no question concerning the manner in which the vacancy takes place. The only question is, when did it happen? I will state a case, and appeal to the candor of the gentleman for the answer. Suppose an act to be passed during the present session creating an office, and the act to take effect during the recess, if a defined contingency shall happen. The contingency happens, the act begins to operate and the office its existence, during the recess. Is the office from that moment vacant until it is filled? Has the vacancy happened during the recess of the Senate? Is it such a vacancy as may be filled by the President? Sir, there can be but one rational answer. 'The office commences its existence and the vacancy happens during the recess; and these circumstances constitute the precise case of vacancy which the President is authorized to fill. It is therefore manifest that the principle assumed, is wholly incorrect; and permit me to remark that the argument drawn from a Message of Gen. Washington concerning certain military appointments, and from the provisions of the tax laws passed during the last session of Congress, is altogether unavailing. What were the circumstances of the first case? A bill had passed for raising a military force, which became the law of the land from the moment of its passage, and while Congress was in session. Gen. Washington deemed it unnecessary to appoint all the officers immediately, and yet was apprehensive it might be necessary to fill the offices before the Senate would again convene. He so informed the Senate, and requested that he might be clothed with the authority to make the appointments during the recess. What was the ground of this request? The offices were created from the date of the act, and being vacant from the moment of their creation, the vacancy did not "happen during the recess of the Senate," and therefore could not be filled by him alone, without special authority from Congress. The offices created by the tax laws of the last session were in the same situation, and it being impracticable to select the officers during the session which was about to terminate, authority was given to the President to appoint in the recess. Why was this provision in both cases necessary? Not because the "offices had not been before full," but because the vacancies happened during the session, and not "during the recess of the Senate."

But, Mr. President, let us examine the particular case which is now made the subject of complaint. In March, 1813, "during the recess of the

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Senate," the Emperor of Russia offered his mediation for the procurement of peace between the United States and Great Britain. It was promptly accepted by the President, and Ministers were commissioned to meet such as might be appointed on the part of England. They proceeded on their peaceful errand to St. Petersburg, and their nominations were submitted to the Senate at their next meeting thereafter. Two of the mission were confirmed and one rejected. It is now proposed solemnly to protest against those appointments in the recess, "as an act not authorized by the Constitution, and in the performance of which the power of the Senate has been wholly disregarded." Such is the history of the case. Sir, there are two descriptions of offices altogether different in their nature, authorized by the Constitution—one to be created by law, and the other depending for their existence and continuance upon contingencies. Of the first kind, are judicial, revenue, and similar offices. Of the second, are Ambassadors, other public Ministers and Consuls. The first description organize the Government and give it efficacy. They form the internal system, and are susceptible of precise enumeration. When and how they are created, and when and how they become vacant, may always be ascertained with perfect precision. Not so with the second description. They depend for their original existence upon no law, but are the offspring of the state of our relations with foreign nations, and must necessarily be governed by distinct rules. As an independent Power, the United States have relations with all other independent Powers; and the management of those relations is vested in the Executive. The Ministerial trust confided to our foreign Ministers cannot be considered an "office" in the sense and to the extent which are applicable to internal offices or offices properly so called. But I will use the word in conformity to the resolutions, because I am unwilling to enlarge the limits of the present debate, and because it will enable me to express my ideas upon the subject before us, more intelligibly. I say, then, that whether the office of a Minister exists or does not—how and when it exists, are questions not particularly and precisely settled by the Constitution; but that the Executive authority to nominate to the Senate foreign Ministers and Consuls, and to fill vacancies happening during the recess, necessarily includes the power of determining those questions. According to my view of the subject, the office commenced with every independent Power from the moment the United States became independent, and authorized the appointment of foreign Ministers; and it will continue to exist so long as we and they continue independent, unless destroyed by the termination of the relations which created it. The period at which it should be filled is left by the Constitution to the discretion of the President. Until he chooses to nominate, there is no power vested in any department to control him, or to appoint. Whether and at what time the office in regard to any foreign nation should be filled, may and generally will depend on accidental circumstances.

Hence Congress have always appropriated a gross sum for foreign intercourse, leaving the President to select the Powers with whom we should be represented, unrestrained, except by the amount of the appropriation. As the office with reference to any foreign Power, is created by, and dependent for its continuance, upon the relations subsisting between that Power and the United States, its existence and destruction must be contemporaneous with the existence and destruction of those relations. It dies and revives with them. It becomes extinct by war—its revival depends on contingencies, and when revived it is vacant, until it is filled. If the contingencies happen during the recess of the Senate (of which the President is made sole judge by the provision of the Constitution which has been quoted,) he is authorized to appoint. The declaration of war against Great Britain destroyed the office in that country, and its revival depended on subsequent events. If England had immediately thereafter, and during the recess of the Senate, proposed to treat by Ministers for peace, there can be no question that it would have been the Constitutional right and the duty of the President to commission persons for that purpose. The mediation of Russia was proposed during the recess. The proposition created a new and necessarily vacant office, and it belonged to the President to determine whether the public interest required that he should fill it. I conclude, therefore, that in this case, the vacancy did "happen during the recess of the Senate," and that the President did not invade the rights of the Senate in the exercise of his Constitutional and exclusive power to "fill up all vacancies which may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session."

Such, sir, is the fair interpretation of the Constitution; and, in my opinion, the welfare of the nation required that this power should have been vested in the Executive. The power of making war is properly confided to Congress. The power of making peace to the President, subject to the control of the Senate over treaties. If a treaty be formed, compromising the honor, or abandoning the rights of the nation, the Senate may reject it. But why we should now be called on to interfere in the first stages of negotiation for peace; to adopt a principle to preclude the Executive from seizing every proper occasion, during the recess of the Senate, of procuring an object which all parties profess to desire, is to my mind astonishing. The principle proposed is calculated to destroy that promptitude and unity of action which is always necessary in the management of our foreign intercourse, and which sometimes may be indispensable to the safety of the country. It must produce one of two effects—either to keep the Senate always in session, or to produce injurious delays inseparable from convening its members. The provision of the Constitution annexed to the resolutions proves that the continual sitting of the Senate was neither contemplated nor intended; and the evil tendency of the latter effect might be illustrated by

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presenting numerous cases, which may and probably will happen. On the other hand, what possible injury can result from the construction for which I contend? None. The checks provided are abundantly sufficient. The commissions granted continue no longer than the end of the next session of the Senate, and in the meantime the Senate may reject the nominations. If a treaty be formed which they do not approve, they are competent to reject that also. Congress, moreover, may withhold appropriations, and put an end thereby to the mission; and, besides, if the power be abused, the President is liable to impeachment. Indeed, Mr. President, it does appear to me, that of all the powers delegated by the Constitution, none are better guarded and restrained than that which authorizes the Executive to fill vacancies during the recess of the Senate. But the gentleman from Massachusetts insists that the construction for which I contend puts it in the power of the President to fill permanently all appointments, in opposition to the will of the Senate. And how? An appointment is made in the recess, and the person nominated to the Senate at their next session. The nomination is rejected, and the President abstains from nominating another. The commission granted in the recess expires at the end of the session, and consequently the office would again become vacant in the recess, and a second commission might be issued. Thus, says the gentleman, the power of the Senate over appointments would be entirely wrested from them. Sir, this is an argument drawn from the possible abuse of power not admissible on general principles, and I have shown that sufficient checks are provided against such abuse. Besides, does not the gentleman perceive that this objection applies to the Constitution, and not peculiarly to my construction. He admits that the President has the Constitutional power to fill vacancies which happen during the recess of the Senate, and it necessarily follows that the abuse to which he refers may as readily take place in one case as in another. The objection, then, is an objection, not to my construction, but to the Constitution itself; and the remedy is to be sought for, if indeed any remedy were wanting, in proposing an amendment according to the mode constitutionally prescribed. The second resolution is in the following words:

“Resolved, That, in the opinion of the Senate, the office of Envoy Extraordinary and Minister Plenipotentiary, to negotiate and sign a treaty of peace with the United Kingdom of Great Britain and Ireland, had not been filled at any time after the declaration of war upon the 18th of June, 1812, and before the late recess of the Senate upon the 3d day of March last, when the same was not full.”

If, sir, I have shown satisfactorily, as I think I have, that the President is authorized to fill up all vacancies which happen in the recess of the Senate, and that such vacancies may happen in offices not before full, it is unnecessary to discuss the proposition contained in this resolution. But I cannot avoid noticing an obvious absurdity which the resolution presents. It speaks of an

office not having been filled at a period when the office was not in existence. I deny that “the office of Envoy Extraordinary and Minister Plenipotentiary to negotiate and sign a treaty of peace with the United Kingdom of Great Britain and Ireland,” was in existence at any time after the declaration of war upon the 18th day of June, 1812, and before the late recess of the Senate upon the 3d day of March last; and it surely behooved the gentleman to prove that such an office existed before he began his inquiry whether or not it had been filled. It is not now too late, and I invite him to the task. It cannot be done. As well might he undertake to prove that an effect may exist before the cause which produced it. The manifest fact is, that there could not have been an office of Minister to treat for peace, under the mediation of Russia, until the mediation was proposed, which was not until after the adjournment of Congress, on the 3d of March last, as is proved by the correspondence upon the subject lately laid before this body. As, therefore, the office did not exist “before the late recess of the Senate upon the 3d day of March last,” it could not have been either vacant or full.

The third and fourth resolutions are in the following words:

“Resolved, That the granting of commissions to Albert Gallatin, John Q. Adams, and James A. Bayard, to be Envoys Extraordinary and Ministers Plenipotentiary to negotiate and sign a treaty of peace with the United Kingdom of Great Britain and Ireland, during the late recess of the Senate, as in the President’s Message to the Senate of the 29th of May last is stated to have been done, was not in the opinion of the Senate authorized by the Constitution, inasmuch as a vacancy in that office did not happen during such recess of the Senate, and as the Senate had not advised and consented to their appointment:

“Whereupon, Resolved, While the Senate venerate the authority and dignity of the office of President of the United States, and will, at all times, as a high and essential power in the Constitution, exert themselves to maintain and preserve undiminished the whole Executive authority thereby established, they owe it to the trust confided to themselves, as well as to the States, their constituents, to protect the power over appointments to office which the Constitution has placed in that body. From these considerations, joined to the conviction that the rights of the Senate have been infringed by an important act, to the validity of which the advice and consent of the Senate were essential, the Senate find themselves called upon by their duty to the States, and in support of the Constitution, reluctantly to protest, and they do hereby solemnly protest against the commissioning as aforesaid of Albert Gallatin, John Q. Adams, and James A. Bayard, as an act not authorized by the Constitution, and in the performance of which the power of the Senate has been disregarded.”

The third resolution assumes that the vacancy in the office which was filled by the President did not happen during the recess of the Senate, and that therefore he was not authorized to fill it. Sir, I have shown that the office could not exist until the Russian mediation was proposed, and that it was proposed during the recess of the

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Senate. Until, therefore, the office was created, it could not be said to have been either full or vacant; but the moment it commenced its existence, it was necessarily full or vacant. It was vacant until filled by the President. The office itself, like that of all foreign missions, was the offspring of circumstances, and the happening of the vacancy was contemporaneous with the commencement of the office. They were both created by the occasion; the occasion occurred; the office began its existence; the vacancy happened during the recess of the Senate; and as the Executive is authorized "to fill up all vacancies which may happen during the recess," it was his Constitutional right to fill this.

The remarks which I had the honor to submit in the commencement of my argument concerning the authority of the Senate in this way to sit in judgment on the conduct of the President, and the evil tendency of such a course of proceeding, are applicable to the fourth and last resolution. If I have succeeded in showing that the act of commissioning Albert Gallatin, John Q. Adams, and James A. Bayard, was "authorized by the Constitution," and that, "in the performance of which the power of the Senate has not been disregarded," the pledge which I gave to the Senate will be fully redeemed, when I shall have proved that the conduct of the President in this affair has conformed to the uniform practice under the Constitution from the beginning of the administration of General Washington. Before I proceed, however, I beg leave to notice a circumstance on which the gentleman was disposed to dwell, because he thought it calculated to show that Mr. Madison had made an alarming innovation on the practice of former Presidents. Some days ago the gentleman offered a resolution, which was adopted, calling for copies of commissions granted by General Washington to John Rutledge, as chief justice; to William Paca, as district judge, and to William Nelson, as marshal; and for copies of the commissions granted to our late Envoys to St. Petersburg. The Senate were not informed of the use intended to be made of them, until we were favored with the gentleman's speech; and it being then impracticable to call officially for other commissions without postponing the debate, I immediately addressed a note to the Secretary of State, requesting that I might be furnished with copies of certain commissions granted by General Washington in similar cases of foreign missions. I have received them, and will presently read and compare them with those lately granted. The difference between the commissions issued by General Washington to Messrs. Rutledge, Paca, and Nelson, and those granted to Messrs. Gallatin, Adams, and Bayard, is this, the former expressly limit their continuance to the end of the next session of the Senate thereafter, and the latter do not express such a limitation. Sir, whether the former had, or had not contained such a limitation, was wholly immaterial, because the Constitution having imposed the limitation, the commissions would have expired as certainly without it as with it. The

difference is in form, and not in substance; and considering the nature of a foreign mission, the idea of expressing on the face of a commission granted to a Minister, which he must show as the evidence of his authority as such, that it shall expire at the end of the next session of the Senate, is altogether absurd. I venture to assert that such a commission never was issued under this Government. If the gentleman had thought proper to call for commissions granted by the present Executive, during the recess of the Senate, to internal officers, he would have seen that they were, both in form and substance, similar to those granted by the first President; or, if he had called for commissions granted by General Washington in cases of foreign embassies, similar to the present, he would have found no limitation of their continuance. And I confess Mr. President, this would have appeared to me the fair and obvious course of ascertaining whether any innovation had been practised. I will now read to the Senate commissions which were granted by General Washington and Mr. Adams, in cases of foreign missions, during the recess of the Senate. [Mr. B. here read several commissions, and by comparing them with those which were granted to Messrs. Gallatin, Adams, and Bayard, showed that they were in every respect alike. He then proceeded.] Permit me, now, sir, to advert to the practice of the Government, from its commencement, concerning the construction of the provision of the Constitution which is the subject of discussion. I hold in my hand a list of the appointments which have been made by the Executive, in the recess of the Senate, since the adoption of the Constitution, which I procured from the office of the Secretary of State. It furnishes incontestable evidence of the fact that each President has deemed himself authorized to institute and to fill foreign missions in the recess of the Senate, whenever, in his opinion the interest of the United States required it. I will, at present, refer to one or two examples only, remarking, at the same time, that the examples are numerous, and that the list may be examined by any gentleman who desires it.

Soon after General Washington became President, and in the recess of the Senate, he authorized Gouverneur Morris, by a letter of instructions, to negotiate with England concerning the interchange of Ministers and the formation of a commercial treaty. I mention this fact to show that he thought himself competent alone to determine whether the United States should or should not be represented in England, and to negotiate concerning a treaty, without previously consulting the Senate. In June, 1792, John Paul Jones was commissioned to negotiate a treaty of peace with Algiers. The office was not before full, and was now filled for the first time during the recess of the Senate. Thomas Barclay was appointed Consul at Morocco, on the 31st March, 1791. This was an original appointment, and was now made during the recess of the Senate. These examples, without referring to others, are sufficient to show that the late commissioning of

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Albert Gallatin, John Q. Adams, and James A. Bayard, was sanctioned by the practice under Washington's administration. The same practice was pursued by Mr. Adams, of which the list before me presents many examples, but which I will abstain from reading, lest I should trespass on the patience of the Senate. During the administration of that distinguished statesman, Mr. Jefferson, we find the same construction given to the Constitution; but presume his examples would not be deemed good authority by the mover of these most extraordinary and unprecedented resolutions.

Thus, I trust, the case is fully made out. 1st. That the resolutions themselves are unauthorized by the Constitution; and 2d. That the commissioning of Albert Gallatin, John Q. Adams, and James A. Bayard, was an act authorized by the Constitution, and sanctioned by the practice of all Administrations. It appears, then, Mr. President, that we are called upon to protest against the conduct of the present Chief Magistrate, for exercising his legitimate Constitutional powers, and for following the example of the first President of the United States. Sir, I have witnessed with pain and mortification the precepts and examples of the Father of his Country set at naught by those who profess to be his exclusive followers; but I do cherish the hope that they will not be condemned by an act of this honorable body. Why the examples to which I have referred should have received universal and uniform acquiescence, and why, at this peculiar moment, it should be proposed to censure Mr. Madison for following those examples, I will not attempt to explain. For what was the act done, against which this protest is entered? To obtain peace. By whom is the proposition submitted? By a gentleman whom, personally, I respect—but, sir, by a gentleman belonging to a party *professing* to be the exclusive friends of peace. A party whose daily business is to clamor against the continuance of the war, and to present every possible impediment to its successful prosecution. I leave the comment to the American people.

The further consideration of the resolutions was postponed until to-morrow.

FRIDAY, April 1.

A message from the House of Representatives informed the Senate of the death of JOHN DAWSON, late a member of the House of Representatives from the State of Virginia; and that his remains will be interred this day at three o'clock.

Resolved, unanimously, That the Senate will attend the funeral of JOHN DAWSON, late a member of the House of Representatives from the State of Virginia, this day at three o'clock, and, as a testimony of respect for the memory of the deceased, they will go into mourning, and wear a black crape round the left arm for thirty days.

SATURDAY, April 2.

Mr. ROBERTS presented the memorial of C. A. Rodney and others, citizens of the borough of 13th Con. 2d Sess.—23

Wilmington and its vicinity, stating that, in their opinion, it is inexpedient, at the present time, to repeal the act imposing an embargo in the ports and harbors of the United States, and praying it may not be removed, for reasons stated at large in the memorial; which was read, and referred to the Committee on Foreign Relations, to consider and report thereon.

The PRESIDENT communicated the report of the Secretary for the Department of War, comprehending contracts made by him in the year 1813, and those made by the Commissary General in the same year, in compliance with "An act concerning public contracts," passed April 21st, 1808; and the report was read.

The bill to incorporate the stockholders of the Columbian Manufacturing Company was read the second time.

A message from the House of Representatives informed the Senate that they have passed a bill, entitled "An act granting to the President and Directors of the New Orleans Navigation Company and their successors a lot of ground;" in which bill they request the concurrence of the Senate.

The bill last mentioned was read, and passed to the second reading.

Mr. BIBB, of Georgia, submitted a motion for consideration, which, on motion by Mr. GORE, was amended and agreed to, as follows:

Resolved, That the President of the United States be requested to cause to be laid before the Senate a list of appointments of foreign Ministers and Consuls which have been made in the recess of the Senate since the commencement of the Administration of the first President; distinguishing the cases in which the respective appointments had not been before filled, from those of appointments that had been filled, and specifying when the latter became vacant; also, copies of the commissions to Albert Gallatin, John Quincy Adams, and James A. Bayard, to be jointly and severally Envoys Extraordinary and Ministers Plenipotentiary, to negotiate and sign a treaty of commerce with Great Britain; and, also, to John Quincy Adams, Albert Gallatin, and James A. Bayard, to negotiate and sign a treaty of commerce with Russia.

The engrossed bill making Elizabeth City the port of entry and delivery for the district of Camden, in the State of North Carolina, was read a third time, and passed.

Mr. FROMENTIN presented the memorial of the Legislative Council and House of Representatives of the Illinois Territory, praying the right of pre-emption may be granted to certain settlers in said Territory, therein described; and the memorial was read, and referred to the committee appointed on the 4th of February, on the memorial of Thomas Cooper and others, to consider and report thereon.

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The Senate resumed the consideration of the motion submitted by Mr. GORE, as is stated on the 7th of March.

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Mr. HORSEY, of Delaware, addressed the Chair as follows:

Mr. President—It is my misfortune to differ upon this occasion with the honorable mover of the resolutions; at the same time I beg leave to assure him that I am not insensible to the respect and deference which I owe to his opinion, and particularly to the precedents he has cited.

How it may be proper for one department of the Government to claim the right of interpreting the Constitution for another co-ordinate department, by way of abstract resolution or otherwise, is a question which I submit to the consideration of the honorable mover. Is it a claim compatible with the great political maxim which requires that several departments of power ought to be separate, distinct, and independent of each other, so far as it regards the exercise of the powers devolved upon them?

The several departments of the Government derive their powers, not from each other, but from the same source of authority—the Constitution. The one, I apprehend, cannot justly claim an exclusive superior right to settle the power of the other.

It is of the utmost importance that the Constitutional balance of power should be maintained, in order to preserve the equilibrium of the Government. The way to do this, is by a tenacious adherence to all those salutary checks which the Constitution has wisely put into the hands of the several departments, in order that the one may defend itself against the encroachment of the other. This is the only mode by which the weaker branches can restrain the stronger within their Constitutional limits.

The main check is the power of the negative. If both branches of the Legislature pass a bill violating, in his opinion, the rights of the Executive, he may interpose his qualified negative, and, if this does not shield him, he must yield to the Constitutional majority of the Legislature. It would be presumptuous in him to claim the right to judge for them, after he had passed his negative, as it would be idle for him to express his opinion in the form of an empty protest. So, if the House of Representatives pass a bill infringing, in the opinion of the Senate, their rights, the Senate may interpose their absolute negative, and thereby defend themselves and the Constitution. But could they do more? Could they take it upon themselves to censure the House of Representatives, when that branch is co-ordinate and wholly independent of this?

So too as it regards the general power of appointment. The wisdom of the Constitution has placed this in the hands of the President and the Senate. It has given to the President the sole power of nomination—to the Senate simply the power of concurrence and of the negative. If, therefore, the President submits a nomination which in the opinion of the Senate, is improper or unconstitutional, the Senate through their controlling power of the negative, may reject the nomination. But can they do more? Has not the President the right to determine for himself with

regard to the expediency and constitutionality of the nomination, as the Senate undoubtedly have to decide for themselves, when the nomination is submitted for their advice and consent?

While the Constitution has given to the President and the Senate the general power of appointment, it has also given to the President alone a qualified and modified power of appointment, during the recess of the Senate. At the same time, however, it has placed this power under the strictest guards or checks. First, it can only be exercised in the recess of the Senate; secondly, the commission creating the appointment shall expire at the end of the next session of the Senate. These are the checks which the Constitution has placed over this power. If it be abused, the President alone is responsible. It is a power complete in itself, and that belongs solely and exclusively to the Executive. To be sure, if the Executive afterwards submit the appointment to the Senate, as he must do, if it is to continue beyond their session, it is in the nature of a new appointment, and the Senate may reject or affirm it. But as it regards the intermediate act of appointment, it is perfect in itself for the limited time, and, in my humble conception, the Senate have no more right to interfere with regard to it, than they have to interfere with the House of Representatives in the choice of their Speaker and other officers; no more right than they have to advise and control the Executive in the exercise of his undoubted powers to grant reprieves and pardons, to receive foreign Ministers, or to use his qualified veto.

As it relates to appointments connected with the treaty-making power, the Senate have, it must be admitted, a remote or indirect controlling power over the power to make temporary appointments, upon the ratification of a treaty. And this may be considered a third, though not perfect, yet important check over the qualified power of appointment.

Thus, sir, it appears to me, so far as respects the exercise of the qualified power of appointment, lodged by the Constitution with the Executive, that the Senate have no right to meddle with it. It is not subject to their control, but to the control only of the three important checks to which I have adverted, and to that responsibility which the President owes to the power of impeachment and to his country. As to the general power of appointment, the salutary control of the Senate, through their absolute power to negative, is effectual—it is perfect. Not empty and unavailing as are the resolutions in question; which if adopted we have no power to enforce; which in their nature are not susceptible of any beneficial or practical result. Send them to the President—he reads them, and is of the same opinion still. And can these resolutions constrain him to alter his opinion? After the maturest deliberation he adheres to his opinion, and sits down and writes a counter protest in support of it. Then, sir, we shall have protest against protest, and the whole amount of the matter will be, that a question is raised between one department and another co-ordinate department of the

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Government, to decide which no competent tribunal exists.

If there be any force in these preliminary remarks, the propriety of the course taken by the honorable mover may, to say the least, be doubted. If doubtful, ought a measure so extraordinary to be adopted? A measure, acknowledged to be without precedent. To justify one department, if it can be justified at all, to pass a vote implying censure upon the conduct of another department, the case ought to be clear, the conduct gross. Not a point about which intelligent men may fairly entertain opposite opinions. Where the construction, even if wrong, may have been nothing worse than an error of judgment; an error into which the party may have been led by a practical interpretation of the Constitution for more than sixteen years, if not from the commencement of the Government.

The honorable mover, sir, has touched upon delicate ground. The relations subsisting between the President and the Senate are near and highly important. We ought to do nothing calculated to endanger that harmony and dignity which should always characterize this body in their intercourse with the Executive.

In this the public as well as ourselves have an interest. The utmost delicacy and deference I should hope would always be observed towards each other, consistently with a fixed and firm purpose to maintain all the rights and powers belonging to great and independent branches of the Government.

Mr. President, I have said, if the point were doubtful, even if the President were in the wrong, it is to my mind very questionable whether we ought to pass the resolutions. But I humbly think the question is not doubtful. I believe, verily believe, that the President has given the just and true, and at the same time the most fit and practicable construction to the Constitution. This, to my mind, is susceptible of the clearest and most conclusive demonstration.

An instrument drawn with so much brevity and in such general terms as the Constitution of the United States, could not specify every power which might be necessary and indispensable to a due and practical administration of the Government. Indeed to have made such specifications, would have required attributes with which it has not been the pleasure of the Deity to endow imperfect man. The Government, therefore, and the several departments, in the execution of their powers, of necessity resort in many instances to the doctrine of construction. Hence the powers of the Government are either specified or constructive. The power of the President to displace from office is not a specified, but a constructive power—a power of greater magnitude and much more doubtful construction than the one in question. The power of the Congress to establish a National Bank is not an express but a constructive power. The power of the Executive to recall or supersede at pleasure a public Minister, without consulting the Senate, though but just appointed by their advice and consent, is

also a very extraordinary power. The power of the President to issue instructions to all public Ministers, to direct the time, the place, the manner, and the temper of the negotiation—to continue or break it off—are all constructive powers, involving the relations of peace and war. The powers of the President to dismiss a foreign Minister—to acknowledge the Government and independence of a foreign nation—are powers of the greatest magnitude, involving the best interests of society, and yet more constructive powers. It is, therefore, sir, apparent that the Constitution is an instrument which in practice does not admit of that strict and literal interpretation which the honorable mover contends for. You cannot give it life or effect if you interpret it, like a penal statute, according to the dead letter. Indeed there are parts of the Constitution which will not bear a literal construction. Take, for instance, article 4, section 1—"Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved and the effect thereof." Congress has undertaken to prescribe the manner in which such acts, records, and proceedings, shall be proved, but they have not undertaken, and probably never will undertake, to prescribe the effect they are to have. What is the true import of the words "full faith and credit," is a question that has puzzled the bar and the bench, and about which a contrariety of opinion exists among the learned in the law. But the word "effect," take it literally and it conveys a most extraordinary power to Congress. A power which would swallow up the State sovereignties. An act of the Legislature of any one State is a public act, and by this section Congress has the power, by a general law, to declare what effect such an act shall have in another State. The Legislature of Virginia, for instance, pass an act limiting the rights of suffrage to freeholders; take this section literally, and Congress may declare that such act shall have the same effect in Pennsylvania or Massachusetts as it has in Virginia, and *vice versa*. An effect which I am sure would not be very kindly received either in Pennsylvania or Massachusetts.

To give a liberal and beneficial construction to the Constitution has ever been a favorite doctrine with me, especially in relation to the powers of the Executive, which in ordinary times is the feeblest branch of the Government. The common rules of equitable construction applicable to statutes and other instruments, apply with greater force to the Constitution of the United States, because it is more general in its terms and less specific in its provisions. I hold it therefore, sir, that we ought so to construe the Constitution as will best answer the intention which the makers had in view. That whatever is within the intent or equity of the Constitution, is within the Constitution, although it be not within the strict letter. And *e contra*, whatever may be within the letter, if it be not within the intent and spirit

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is not within the Constitution. These rules are founded upon the imperfection of the human mind, which cannot foresee and set down every case in express terms; upon the laws of nature and reason; upon the experience of man; and apply in all cases, except only where there is a manifest technical positive rule of law to the contrary.

I now, Mr. President, approach the main question. It arises under the second section of the second article of the Constitution.

"The President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

"The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of their next session."

It is manifest, from the first cited clause of this section, that the President and the Senate possess conjointly the general power of appointment. It is equally manifest, from the second cited clause of the section, that the President alone possesses a modified power of appointment.

The main question then is, had the President an authority, under the modified power, to issue the commissions, during the recess of the Senate, to the Ministers named in the resolutions, to continue in force to the end of the next session of the Senate and no longer.

First. Is the authority within the letter of the Constitution?

Secondly. Is it within the intent and policy of the Constitution?

I beg gentlemen to remember that it has been the wisdom of most Governments to intrust the management of their foreign affairs to the head or chief. That, under this Government, the President, as the supreme executive officer, is charged with this subject. That a Minister is no more than an agent through whom these concerns are managed. That, to manage them with success and advantage, secrecy and immediate despatch are oftentimes necessary, in negotiations particularly.

The office then of a public Minister is the medium through which the Executive is enabled to manage our foreign relations, and particularly to conduct negotiations. It is an office wholly different from the ordinary offices created by the Constitution or by law. It is an office without limitation as to number, or duration of tenure, with regard to which neither the Constitution or laws have prescribed the duties. It is without limitation as to number, because the nature of the office renders it necessary that the number should

depend upon the emergencies of the Government; upon the particular state of your foreign affairs; upon the number of the foreign nations with whom you have intercourse, either political or commercial. It is an office without limitation of tenure, because no one can tell how long it may be necessary to continue it. A negotiation may last a week, or it may last six months. Your intercourse with any foreign Power may be interrupted in various ways, by a misunderstanding or by a sudden rupture. It is an office to which neither the Constitution or laws have prescribed the duties, because the duties must necessarily depend upon the course of events and the particular state of our foreign relations. The duties are left with the discretion of the Executive. In short, it is an office not created by the Constitution, nor by any municipal law, but emanates from the laws of nations and is common to all civilized Governments. The Minister is subject to these laws, and he is under the protection of these laws. The Constitution barely directs the modes in which the Minister shall be appointed. But when appointed, when he shall depart, how long he shall continue, what duties he is to perform, the nature of his instructions, in short, everything that is vital, depends solely upon the Executive and the laws of nations.

It is an office, if it may be so called, *sui generis*. The number may be multiplied to any extent, or diminished. It is brought forth with the occasion, and disappears when the occasion ceases. When not filled, if it exists at all, it is only in contemplation. Where is the office which you, Mr. Vice President, and your associates filled, when Envoys Extraordinary and Ministers Plenipotentiary to the French Republic? Can the honorable mover lay his hand upon it, or can the powers of man reproduce it? In short, where are all the offices which our Ministers respectively have filled at the Court of London, anterior to the declaration of war? They have merged and can never again be called into action. When the relations of peace shall be restored, we shall have new appointments and new offices.

The office of a public Minister, therefore, depends upon events, upon the state of foreign affairs, and is authorized by the laws of nations. Any Government may use it, which recognises these laws, and none can which does not. For it is an office which requires the assent of foreign Powers, and depends upon the common laws of nations for protection.

Upon the whole, it is an office not durable and permanent, as are the ordinary offices established by the Constitution and by law—but ephemeral, existing no longer than the occasion which gave birth to it, and dependent upon the transitions of time and events. The office in truth attaches whenever the occasion arises to use it, and the act of appointment is the consummation of the law.

If therefore the occasion arises whilst the Senate are in session, the office must be consummated by the concurrent act of the President and the Senate. If it arises during the recess of the Sen-

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ate, it may be consummated by the act of the President alone, subject however to expire at the end of the next session of the Senate.

If this view be correct, and the occasion for the office happens during the recess of the Senate, then the office attaches during the recess, and of consequence the vacancy happens during the recess, which would bring the power of the President to fill it up strictly within the letter of the Constitution.

To apply the argument to the case before us: On the 8th of March, 1813, in the recess of the Senate, M. Daschkoff, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of Russia, by letter addressed to the Secretary of State, communicates to the President, officially, the disposition of His Majesty the Emperor to offer his mediation to His Majesty the King of Great Britain and the United States of America. and at the same time declares that he, M. Daschkoff, is charged to propose it to the President of the United States. On the 11th of the same month, the Secretary of State writes to M. Daschkoff, informing him that the President willingly accepts the offered mediation, to promote peace between the United States and Great Britain, and, further, that such arrangements would be made, without delay, as would afford His Imperial Majesty the opportunity he invited, to interpose his good offices for the accomplishment of so important an event. This then is the occasion for instituting the mission to Russia. It happened in the recess of the Senate. The office then attached, and with it the vacancy, which was filled and the office perfected by issuing the commissions which must have expired with this session of the Senate. As the office and the vacancy happened during the recess, necessarily the office could not have been before full, as the first resolution would seem to require, as a pre-requisite to a vacancy happening.

Whether the letter of M. Daschkoff, of the 8th of March, conveyed the first official information to the President of the offered mediation—whether there was any preconceived to delay the official letter till the Senate had closed their session—whether it was expedient or inexpedient to accept the proposed mediation—whether it comported with the honor and character of this Government to appoint and despatch the Commissioners, upon the mere presumption that Great Britain would accept the mediation, and also appoint commissioners to meet ours, are questions not involved in this discussion. If they were, they are questions which rather concern the abuses, than the rights of power.

I am aware, sir, that the ground which I have discussed, is not without its difficulties. To bring the case within the dead letter, is a task of no very easy performance. But, in my view, all difficulties and doubts vanish before the second ground, which I am about to enter upon, and upon which I principally found my opinion.

The primary objects of the Constitution are, the public peace and general welfare. Whatever interpretation may be calculated to insure the

one and promote the other, ought in my humble judgment to be given, provided it be within the rules of a liberal and equitable construction. Provided it be within the intent and policy of the Constitution.

What, sir, is the intent and policy of the Constitution upon this subject? The general power of appointments is given to the President and the Senate. But from the peculiar constitution of the Senate, a body composed of members coming from every State in the Union however distant, a body not permanently in session, but out of session in common times eight months in the year, the framers of the Constitution at once saw, that the power, as a general power of appointment, was defective. Hence it became necessary to provide a modified power to remedy this defect, and to represent the general power, when the general power was not in a condition to act. This was indispensable, or else the mischiefs and embarrassments resulting to the Government and the public must have been intolerable. The modified power was therefore intended as a substitute for the general power, when the general power was not in session, and unable to perform its functions. In constituting this modified power, however, the convention was extremely guarded by placing over it the important checks to which I have before adverted, namely; first, that it shall be exercised only when the general power is not in session: secondly, that the commissions issued by it shall endure no longer than necessary to give the general power an opportunity to act upon them. All I contend for is, that we ought not so to restrict the modified power as to defeat the remedy or render it short of its object; that the modified power ought to be able so to act, as to supply the defect of the general power, and that whatever authority is necessary fairly to this purpose is within the intent and equity, if not the letter of the Constitution. A case, not within the letter of a statute, is sometimes holden to be within the meaning, because it is within the mischief for which the remedy is provided. It is an established rule of law that such a construction ought to be put upon a remedial statute, as will tend to suppress the mischief intended to be remedied.

Let us now test the construction contended for by the honorable mover, by these rules and principles. Let us see, if, according to his construction, the remedy is calculated to suppress the mischief. Illustrations to show its inadequacy are innumerable.

Take the case of the ordinary offices established by the Constitution and by law. Suppose any one of them to become vacant by death during the session of the Senate, and that no account of the death reaches the President before the Senate close their session. Here the vacancy does not happen during the recess, but during the session. Suppose the Collector of the port of New Orleans to die on this day, and that the intelligence of his death does not reach this place before we adjourn. In this case the vacancy surely does not happen in the recess. What is

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to be done? The Collector is an officer whose services are necessary to the daily operations of the Government. Are the Senate to be convened? Well. The Senate are convened from all parts of this extended empire, at great expense to the nation and personal inconvenience to the members. To do what? To appoint a Collector! Well. The Collector is appointed and the Senate are adjourned; but, before many of the members get to their distant homes, it is announced that the District Judge in the State of Vermont is dead, and that he died while the Senate were in session appointing the Collector for New Orleans. Sir, where is this expense and perplexity to end?

Mr. President, if these ordinary occasions illustrate the incompetency of the remedy, as the honorable mover would restrict it, the extraordinary offices of public Ministers still more forcibly and irresistibly illustrate it.

In the management of the foreign affairs of a great commercial nation, having intercourse with all the commercial Powers of the earth, in order to keep up this intercourse to advantage, and to preserve the relations of peace and friendship, many agents, diplomatic and consular, are necessary. In the appointment of these the utmost secrecy and despatch are oftentimes of vital importance.

In seasons of war everything may depend on time. The event of a single battle may present a happy moment for negotiation. Great and sudden changes are perpetually taking place in the affairs of nations. A sudden war may break out between one nation and another, between a foreign Power and the United States; and will the honorable mover have it that there is no power in this Government competent to act with all the secrecy and promptitude which such an emergency might require?

Sometimes it may so happen that the time for instituting a negotiation may not depend on ourselves, but other Powers. Suppose a General Congress, to treat of a general peace, be agreed upon, and the United States are invited to join. The delay incident to the invitation would be long enough, but if the preparatory steps are to be retarded until the Senate could be called, it is more than probable that the other Powers concerned would not have the patience to wait for us. Indeed their views and situation might not admit of it.

Take the doctrine of the honorable mover, and if a decisive battle be fought in Canada, resulting in our favor, and the enemy offer peace on our own terms, there is no power to appoint a commissioner even to conclude the preliminary articles, without a delay of at least two months, if the Senate happen not to be in session! In the mean time the enemy may be reinforced, or other changes happen, and the advantageous moment to end the war be lost, perhaps, forever.

If the late despatch from Lord Castlereagh had arrived in the recess of the Senate, as it well might have done, was the President to wait till the Senate could be convened, without taking

even a preparatory step? Must the war be waged two months longer, and must the enemy wait our own time?

Suppose England had in good faith accepted the offered mediation of Russia, and that the acceptance had been announced with the offer to us, were we to wait until the Senate could be got together? Were two precious months to be lost?

If your citizens are in captivity in Algiers—if your seamen are unjustly and cruelly confined in a foreign port, and the intelligence happen to arrive during the recess, the President has not even the power to appoint even a Consul to go to their immediate relief!

Surrounded as we are with Indian tribes, if a war suddenly break out, in the recess of the Senate, there is no power to send a commissioner to make explanations or to treat with the hostile tribe—nor to make friends with the neighboring tribes, but we must wait until the Senate are summoned; and in the mean time those we might have gained over to us are by the delay turned against us.

Sir, the construction contended for by the honorable mover, is fraught with mischievous consequences, with evils and embarrassments incalculable. There is a passage in one of the numbers of the *Federalist* (by Mr. Hamilton) so applicable to this subject, that I will, with the permission of the Senate, trouble them while I read it—

“It seldom happens in the negotiations of treaties, of whatever nature, but that perfect secrecy and immediate despatch are sometimes requisite. They who have turned their attention to the affairs of men, must have perceived that there are tides in them. Tides very irregular in their duration, strength, and direction, and seldom found to run twice exactly in the same manner or measure. To discern and profit by these tides in national affairs, is the business of those who preside over them; and they who have had much experience on this head inform us that there frequently are occasions when days, nay, when even hours are precious. The loss of a battle, the death of a Prince, the removal of a Minister, or other circumstances intervening to change the present posture and aspect of affairs, may turn the most favorable tide into a course opposite to our wishes. As in the field, so in the cabinet, there are moments to be seized as they pass, and they who preside in either should be left in capacity to improve them. So often and so essentially have we heretofore suffered from the want of secrecy and despatch, that the Constitution would have been inexcusably defective, if no attention had been paid to those objects. Those matters which in negotiations usually require the most secrecy and the most despatch, are those preparatory and auxiliary measures which are not otherwise important, in a national view, than as they tend to facilitate the attainment of the objects of the negotiation.”

I contend for no more than, that the President, in the absence of the Senate, should possess the power to adopt those preparatory and auxiliary measures, without which, to use the language of the accomplished statesman just quoted, the Constitution would have been inexcusably de-

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fective. The mere appointment of an Ambassador or Minister is but a preparatory and auxiliary step towards negotiation. The material and most essential part is the treaty. It is this which is the most important in a national view. This cannot be finally ratified and confirmed, without the advice and consent of the Senate, and that too with the concurrence of two-thirds of the members present. If the Senate are not in session when the treaty is concluded, they must be convened; and in most instances the President, who is always advised of the progress and probable issue of the negotiation, may so manage as to call the Senate and have them in session at or about the time the treaty arrives. At any rate, after a treaty is signed a reasonable time is always allowed for its ratification and exchange, and in fixing this time regard would always be paid to the distance and nature of ratifying powers.

It appears to me, then, that the construction for which I contend, to continue the language of the same author just quoted, gives to negotiations every advantage which can be derived from talents, integrity, and a deliberate investigation on the one hand, and from secrecy and despatch on the other. It is a construction founded in fitness and convenience and supported by contemporaneous interpretation.

It has been the practical construction of the Constitution from the earliest stages of the Government, and upon experience was found to be essential to its due administration. It commenced with General Washington, was continued by Mr. Adams, and became much more prevalent with Mr. Jefferson, as appears by the numerous cases to be found in the Department of State, and upon the Executive Journal of the Senate. (a)

The honorable mover has cited the case of Mr. Monroe while Minister at the French Republic, from the Life of Washington by Marshall. The conduct of Mr. Monroe had not been satisfactory to General Washington; at the same time he did not wish to recall him, but rather preferred sending another Minister to be associated with him. The difficulty was, inasmuch as Mr. Monroe was in the office, there could be no vacancy, so as to authorize the President to fill it up during the recess of the Senate. This seems to have been the opinion of General Washington, and therefore, to obviate the difficulty and create the vacancy, Mr. Monroe was recalled and a successor appointed in the recess. The case therefore does not apply.

As to the form of the commissions which issued to the Commissioners named in the resolution, I do not attach so much importance as the honorable mover has done. The objection is, that these commissions were not limited to expire at the end of the next session of the Senate, but are general and without limitation. And the honorable mover has read some commissions issued by General Washington, to show that he had always introduced the limitation.

But it seems that the honorable mover was mistaken; for, upon a more particular search, commissions are found wherein General Washington has omitted the limitation.

But what to my mind is a conclusive answer to this objection is, that there is no form prescribed by the Constitution or law, in which commissions are to issue, and therefore the form depends upon the pleasure of the Executive, who alone is authorized to issue them.

Can the addition or omission of the limitation vary the nature of the commission? If a commission issue to A, appointing him Chief Justice of the United States, is it material to say, to hold the same during good behaviour, or that A, is invested with all the powers and entitled to all the emoluments of right belonging to a Chief Justice of the United States? I apprehend not.

I am aware, sir, that commissions usually issue in some such form, but the greater part is empty verbiage. Does the judge derive the tenure of his office from the commission? No. But from the Constitution. Does he derive his powers and emoluments from the commission? Surely not. But from the Constitution and the laws. He derives nothing from the commission but the mere appointment, which can be made as well in three lines as thirty.

So if a commission issue in the recess of the Senate, whether it express the limitation or not, it necessarily expires at the time limited by the Constitution; for it is the Constitution, not the commission, that is operative as to the limitation.

Mr. President, it appears to me that most of the arguments of the honorable mover proceed from the abuse, rather than a just and proper exercise of the power. These are arguments which prove too much, and, if admitted, would go to take away from the Government all power. An argument against the abuse of a thing is no argument against the use of it. If such arguments are admitted, there is no power, no institution, however sacred, which may not be assailed. Religion, the altar itself, would not be exempt. For we know that they afford masks for hypocrites and impostors.

You have already, sir, given a construction to the Constitution, conferring upon the Executive a power infinitely more liable to abuse than the one in question, and a construction, too, give me leave to say, vastly more doubtful than that for which I contend. I refer, sir, to that power by which the President undertakes to remove an officer, at his pleasure, without consulting the Senate. This we know was not Mr. Hamilton's understanding of the Constitution; and we believe that such a construction would never have been put upon the Constitution, but for the unlimited confidence in General Washington. This construction has opened the door to an abuse which if practised, would virtually destroy the controlling power of the Senate over appointments. The President nominates A, Minister to the Court of St. Petersburg, to-day, and the nomination is approved by the Senate. The Senate will close their session in a few days. The President then supersedes A, and, it being in the recess, appoints B, his particular favorite, but who would not have passed the Senate. B's commission is good to the end of the next session of the Senate. Just before the end of the next session the

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President nominates C, who is approved by the Senate, but, as soon as the Senate have adjourned, he supersedes C, and renews the commission to B. Thus, by an abuse of this power to supersede or remove, the President may virtually deprive the Senate of their undoubted right to participate in the general power of appointment.

Sir, what is the power for which I contend compared to this power? A power of all others the most susceptible of abuse; and when abused, a most cruel engine of proscription and oppression. What is it, compared to the power to recall your foreign Ministers at pleasure; to receive all foreign Ministers; to dismiss foreign Ministers; to acknowledge the sovereignty and independence of foreign Governments; to instruct your own Ministers;—what is it, compared to the power to reject a treaty?

These are all powers which the President confessedly possesses. Powers involving the relations of peace and war, and every interest which depends upon foreign connexion and intercourse. Powers compared to which the one in question sinks into utter insignificance.

And does it follow that the President ought not to have these extraordinary powers, because, in the hands of wicked and unprincipled men, they may be abused? Does it follow, because the President may rashly reject an honorable and advantageous treaty, and thereby involve the nation in restrictions and war, that therefore the President ought to have no concern in the treaty-making power? Does it follow, because a President may petulantly dismiss a foreign Minister, and thereby break off an important negotiation, that therefore he ought not to be intrusted with such a power? If he will not receive a foreign Minister, and acknowledge a foreign Government, in every case where the public interest requires it, does it follow that he ought not to have the power to do so at all?

What is the power for which I contend? A mere power to make temporary appointments when the general power is not in capacity to act. This is denied. But, when the agent is once appointed, it is admitted that when he is to act, how he is to act, what he is to do, his instructions, his correspondence—all depend upon the Executive pleasure. In short, when the agent is once constituted, you surrender him up to the President, with everything else that is vital on the subject of negotiation or foreign intercourse.

Before I conclude, Mr. President, permit me to remark, that the Constitution has wisely divided the powers of the Government among the several departments, taking care to adapt each department to the powers assigned it; that it is highly important that every department should maintain its powers free from encroachment, and unimpaired.

While, therefore, it is the duty of the Senate to defend their rights and powers, let the Senate take care that they do not encroach upon the rights and powers of the Executive. Let it be remembered that the Executive is constitutionally the feeblest branch of the Government. I speak not,

sir, in reference to the present disordered state of the body politic, when even Congress seem to have forgotten themselves, and surrendered their powers (and even more) into the hands of the President—when they have made him almost as absolute as a Dictator. But, I speak of those rights and powers which legitimately belong to him, according to the great principle of the Constitution.

The Senate, as an integral branch of the Government, are more permanent and independent. The individual members are chosen for a longer term. If the President abuses his powers in a manner amounting to a misdemeanor, he is liable to impeachment, and this body constitutes the High Court which is to try him, and, if convicted, which is to remove him from office. When, on the other hand, the Senate are permanent and independent, as an integral body, they are answerable to no power on earth, but a revolutionary power.

In ordinary times, therefore, the danger is, that the Senate will encroach upon the Executive, and not the Executive upon the Senate; that the stronger will trench upon the weaker, and not the weaker upon the stronger power.

Mr. President, I would be the last man upon this floor, knowingly, to surrender any one power which the Constitution has deposited here. I am too deeply impressed with the importance of this branch of the Government. I believe it to be the sheet anchor of the Constitution and the bulwark of our liberties. It is this nation's best and last hope. When the other ramparts of the Constitution shall have been broken down, here will be made the last stand against the assaults of party spirit and the storms of faction.

I regret that the honorable gentleman from Georgia, (Mr. BIBB,) in his concluding remark, should have made an intimation calculated to take this discussion off its true abstract ground. I have treated it, after the example of the honorable mover, as an abstract question, and so it ought to be treated. I do not see that inconsistency in the conduct of the honorable mover, which has been imputed to him by the gentleman from Georgia. The honorable mover had said nothing against the expediency of the mission, nor the fitness of commissioners. There is now no question about the regularity of the proceeding, after the nominations were submitted *de novo* to the Senate. The question only relates to the proceeding of the Executive in the recess, which is wholly unconnected with the subsequent proceeding of the Senate. The question involved is a question of general power, not confined to this particular case.

NOTE BY MR. HONSEY.

(a) The following list of original appointments of Ministers, Secretaries of Legation, Consuls, and other officers, made by the several Presidents of the United States, in the recess of the Senate, shows what has been the practical construction of the Constitution from the year 1792:

June, 1792.—John Paul Jones, Minister Plenipotentiary, to negotiate a Treaty of Peace with Algiers.

June 1, 1797.—John Q. Adams, Minister Plenipo-

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tentary, to negotiate a renewal of the treaty with Sweden.

December 31, 1799.—Rufus King, Commissioner, to negotiate an explanatory article in relation to the sixth article of the treaty of 1794.

1801.—James Wilkinson, Benjamin Hawkins, and Andrew Pickens, Commissioners, to treat with the Cherokees, Chickasaws, Choctaws, and Creeks, concerning a road, with a view to open a communication between the States of Georgia and Tennessee and the Mississippi Territory.

June, 1802.—Rufus King, Commissioner, to negotiate an additional article in relation to the boundaries between the United States and certain parts of the territories of the King of Great Britain.

April 18, 1803.—James Monroe, Commissioner to Spain, to treat of and concerning the boundaries of Louisiana, and the cession of adjoining territories, &c.

1801.—William R. Davie, Commissioner, to hold a treaty between North Carolina and the Tuscaroras.

October 1, 1808.—William Short, Minister Plenipotentiary to the Court of St. Petersburg. Mr. S. was rejected by the Senate, not upon the ground that the President had no right to appoint him in the recess, but that it was then inexpedient to send a Minister to Russia.

May 12, 1801.—Thomas Sumpter, Secretary of Legation to France.

August 13, 1801.—John Graham, Secretary of Legation to Spain.

June, 1792.—John Paul Jones, Consul to Algiers.

March 27, 1799.—James Read, Vice Consul to Canton.

June 2, 1801.—Edw. Jones, Commercial Agent to Guadeloupe.

June 2, 1801.—Thomas Aborn, ditto to Cayenne.

June 3, 1801.—John J. Murray, ditto to Glasgow.

June 10, 1801.—James Blake, ditto to Antwerp.

July 1, 1801.—Joseph Pulis, ditto to Malta.

And many other like cases.

1801.—Sundry marshals and district attorneys, whose offices were created by the act for the more convenient organization of the courts of the United States, passed the 13th February, 1801, but which gave no power to the President to make the appointments in the recess.

1801.—District attorney, marshal, and sundry justices of the peace, for the District of Columbia, whose offices were created by the act concerning the District of Columbia, passed the 27th February, 1801, and which gave no power to the President to make the appointments during the recess.

Care has been taken to put down no cases on this list but what are unequivocally original missions or appointments, instituted by the several Presidents during the recess of the Senate.

The resolution of the Senate, of the 1st of January, 1791, advising the President to take such measures as he should deem proper for the redemption of the citizens of the United States in captivity at Algiers, read by the honorable mover, not to justify, but to explain the appointment of John Paul Jones, it is believed, has no material bearing on the question—1. Because the resolution gives no authority to appoint a Minister; 2. Because the power of the Senate to advise and consent to the appointment of public Ministers cannot be delegated; 3. Because no appointment was made until June, 1792, seventeen months after the date of the resolution, after a session of the Senate had intervened.

The case of Mr. Johns, also cited, and much relied

upon in support of the honorable mover's resolutions, is, to say the least, of doubtful application, if it has any application at all. The case was, George Read, a Senator from the State of Delaware, resigned his seat on the 18th day of September, 1793, and during the recess of the Legislature of that State. That the Legislature of that State met in January, and adjourned in February, 1795, without making any appointment. That, upon the 19th March, and subsequent to the adjournment of the Legislature, Kensey Johns was appointed by the Governor to fill the vacancy occasioned by the resignation of Mr. Read.

The Senate decided that Mr. Johns was not entitled to his seat; not upon the ground that no vacancy had happened during the recess of the Legislature, but upon the ground that a session of the Legislature had intervened between the resignation of Mr. Read and the appointment of Mr. Johns by the Executive. This decision was probably correct, under the third section of the first article of the Constitution, which provides, that, "If vacancies happen [in the seats of Senators] by resignation, or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments, until the *next* meeting of the Legislature, which shall *then* fill such vacancies."

This case is rather against the gentleman who cited it, (Mr. WELLS.) It shows that the Constitution has not received a strict interpretation, according to the letter. For, if such had been the construction, the vacancy of Mr. Read, after a session of the Legislature had intervened, could not have been filled, even by the Legislature, and the State must have lost one of its Senators. The letter of the Constitution is peremptory, that the Legislature at their *next* meeting after the vacancy happens *shall then* fill it.

The further consideration of the motion was postponed until Monday next.

MONDAY, April 4.

Mr. GORE presented the memorial of Israel Thorndike, of Beverly, in the State of Massachusetts, praying to be allowed the drawback of duties on certain goods exported in his ship, called the Hope, as is stated in the memorial; which was read, and referred to the Committee on Foreign Relations, to consider and report thereon by bill or otherwise.

The bill, entitled "An act granting to the President and Directors of the New Orleans Navigation Company, and their successors, a lot of ground," was read the second time.

The bill, entitled "An act concerning the pay of officers, seamen, and marines, in the Navy of the United States," was resumed; and, on motion by Mr. GAILLARD, referred to the Committee on Naval Affairs, to consider and report thereon.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act authorizing a subscription for the laws of the United States, and for the distribution thereof;" also, a bill entitled "An act for the renewal of a land warrant to George Shannon; in which bills they request the concurrence of the Senate.

The two bills last mentioned were read, and passed to the second reading.

On motion of Mr. HORSEY, the further consideration of the bill to authorize the Secretary of the Treasury to subscribe in behalf of the United States for seven hundred and fifty shares in the capital stock of the Chesapeake and Delaware Canal Company, was postponed to the first Monday in November next.

The Senate resumed, as in Committee of the Whole, the bill to incorporate the subscribers to the stock of the Union Bank of Alexandria; and the consideration thereof was further postponed to, and made the order of the day for, Saturday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to establish an additional Military Academy.

On motion, by Mr. SMITH, that the further consideration thereof be postponed to the first Monday in November next, it was determined in the affirmative—yeas 17, nays 16, as follows:

YEAS—Messrs. Chace, Condit, Daggett, German, Gilman, Goldsborough, Gore, Howell, Hunter, King, Lambert, Mason, Robinson, Smith, Stone, Varnum, and Wells.

NAYS—Messrs. Anderson, Bibb of Kentucky, Bibb of Georgia, Brent, Brown, Dana, Fromentin, Gaillard, Giles, Horsey, Morrow, Roberts, Tait, Taylor, Turner, and Worthington.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the better organization of the courts of the United States within the State of New York."

On motion of Mr. GERMAN, that the further consideration thereof be postponed to the first Monday in December next, it was determined in the negative. And no amendment having been offered, the bill was ordered to a third reading.

TUESDAY, April 5.

The bill, entitled "An act for the renewal of a land warrant to George Shannon," was read the second time, and referred to the committee appointed the 4th of February, on the memorial of Thomas Cooper and others, to consider and report thereon.

Mr. BROWN presented the memorial of William Thornton, Superintendent of the Patent Office, praying an increase of salary, and other regulations in relation to said office, as is stated in the memorial; which was read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. BROWN, VARNUM, and MASON, were appointed the committee.

The bill, entitled "An act authorizing a subscription for the laws of the United States, and for the distribution thereof," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. ROBERTS, CHACE, and GILES, were appointed the committee.

Mr. LACOCK, from the committee to whom was referred the bill, entitled "An act to alter and establish certain post roads," reported it with amendments.

Mr. FROMENTIN, from the committee appointed on the subject, reported a bill to authorize the Secretary of State to liquidate certain claims therein mentioned; and the bill was read, and passed to the second reading.

Mr. WORTHINGTON, from the Committee on Military Affairs, reported a bill for the relief of James Lloyd; and the bill was read, and passed to the second reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill authorizing the appointment of certain officers for the flotilla service; and Mr. GAILLARD submitted sundry amendments to the bill. On motion, it was agreed that the further consideration thereof be postponed.

The bill, entitled "An act for the better organization of the courts of the United States within the State of New York," was read a third time.

On the question, Shall this bill pass? it was determined in the affirmative—yeas 21, nays 6, as follows:

YEAS—Messrs. Anderson, Bibb of Georgia, Brown, Condit, Daggett, Fromentin, Gaillard, Gore, Horsey, Hunter, King, Lambert, Mason, Morrow, Roberts, Robinson, Stone, Tait, Taylor, Turner, and Wells.

NAYS—Messrs. Chace, German, Lacock, Smith, Varnum and Worthington.

So it was resolved that this bill pass.

The motion submitted by Mr. GORE, as is stated on the 7th of February, was resumed; and, on motion by Mr. MASON, the consideration thereof further postponed to, and made the order of the day for, Thursday next.

The resolution fixing the time for an adjournment of the present session of Congress was resumed; and, on motion by Mr. ANDERSON, the consideration thereof was further postponed to, and made the order of the day for, Saturday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill authorizing the augmentation of the marine corps, together with the amendments reported thereto by the select committee; and the amendments having been agreed to, the President reported the bill to the House accordingly; and it was ordered to be engrossed, and read a third time as amended.

A message from the House of Representatives informed the Senate that they have passed a bill, entitled "An act concerning invalid pensioners;" in which bill they request the concurrence of the Senate.

The bill last mentioned was read, and passed to the second reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to lessen the compensation for marshals, clerks, and attorneys, therein mentioned; and, after debate, the further consideration thereof was postponed to, and made the order of the day for, Thursday next.

The Senate resumed, as in Committee of the Whole, the bill entitled "An act for the final adjustment of land titles in the State of Louisiana and Territory of Missouri;" and, on motion by Mr. FROMENTIN, the further consideration there-

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of was postponed to, and made the order of the day for, to-morrow.

The consideration of the bill, entitled "An act for the relief of Seth Russell and Sons," was resumed; and, no amendment having been proposed, it was ordered to a third reading. The bill was then read a third time, by unanimous consent, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of William H. Savage;" and, no amendment having been offered, it was ordered to a third reading. The bill was then read a third time, by unanimous consent, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of Mary Chevers;" and the bill having been amended, the President reported it to the House accordingly.—The amendments were ordered to be engrossed, and the bill read a third time as amended.

Mr. BIBB, of Kentucky, asked and obtained leave to bring in a bill to prolong the charters of the banks in the District of Columbia, upon certain conditions; and the bill was read, and passed to the second reading.

On motion, by Mr. BIBB of Kentucky, the petition of William Simmons, presented the 14th of March, was referred to a select committee, to consider and report thereon by bill or otherwise: and Messrs. BIBB of Kentucky, VARNUM, and SMITH, were appointed the committee.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, directing the disposition of money paid into the courts of the United States; and the bill having been amended, the President reported it to the House accordingly.

On motion, by Mr. BROWN, that the further consideration thereof be postponed to the first Monday in December next, it was determined in the negative; and the bill was ordered to be engrossed, and read a third time as amended.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of Stephen Girard;" and, an amendment having been proposed, the consideration thereof was postponed.

Mr. GAILLARD, from the Committee on Naval Affairs, to whom was referred the bill, entitled "An act concerning the pay of officers, seamen, and marines, in the Navy of the United States," reported it with an amendment.

WEDNESDAY, April 6.

Mr. BROWN, from the committee to whom was referred the bill, entitled "An act for the relief of Dennis Clark," reported it without amendment.

Mr. BROWN, from the same committee, to whom was referred the bill, entitled "An act for the renewal of a land warrant to George Shannon," reported it without amendment.

Mr. BROWN, from the same committee, to whom was referred the bill, entitled "An act confirming

certain claims to lands in the Illinois Territory, and providing for their location," reported it with amendments.

On motion, by Mr. GAILLARD, a committee was appointed to inquire into the state of the public buildings, with leave to report thereon by bill or otherwise; and Messrs. GAILLARD, GILES, and SMITH, were appointed the committee.

The bill directing the disposition of money paid into the courts of the United States, was read a third time, and passed.

The amendments to the bill, entitled "An act for the relief of Mary Chevers," having been reported by the committee correctly engrossed, the bill was read a third time as amended.

On the question, Shall this bill pass as amended? it was determined in the affirmative—yeas 20, nays 4, as follows:

YEAS—Messrs. Chace, Daggett, Dana, Fromentin, Gaillard, Giles, Gilman, Goldsborough, Gore, Howell, Hunter, Lambert, Mason, Smith, Stone, Tait, Taylor, Varnum, Wells, and Worthington.

NAYS—Messrs. Bibb of Georgia, Condit, Morrow, and Turner.

So it was resolved that this bill pass with amendments.

The bill authorizing the augmentation of the marine corps was read a third time; and, on motion by Mr. FROMENTIN, was amended by unanimous consent; and, on motion, by Mr. TART, the title was amended.

Resolved, That this bill pass, and that the title thereof be "An act authorizing the augmentation of the marine corps, and for other purposes."

The bill, entitled "An act concerning invalid pensioners," was read the second time; and referred to the Committee on Military Affairs, to consider and report thereon.

The bill for the relief of James Lloyd was read the second time.

The bill to authorize the Secretary of State to liquidate certain claims therein mentioned was read a second time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the final adjustment of land titles in the State of Louisiana and Territory of Missouri," together with the amendments reported thereto by the select committee; and, the amendments having been further amended, the President reported the bill to the House accordingly; and, on the question, Shall the amendments be engrossed and the bill read a third time as amended? it was determined in the affirmative.

The Senate resumed, as in Committee of the Whole, the consideration of the bill fixing the salary of the Paymaster of the Army, and allowing a sum for the employment of additional clerks in his office for the year 1814, and sundry amendments having been proposed by Mr. WORTHINGTON, on his motion, the further consideration of the bill was postponed to, and made the order of the day for, Friday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill authorizing the appointment of certain officers for the flotilla

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service, together with the amendments proposed thereto; and, Mr. SMITH having proposed a further amendment, on motion, the Senate then adjourned.

THURSDAY, April 7.

Mr. ROBERTS, from the committee to whom was referred the bill, entitled "An act authorizing a subscription for the laws of the United States and for the distribution thereof," reported it without amendment.

On motion, by Mr. DAGGETT, the committee to whom were referred the memorials of William Hart and others, non-resident proprietors of lands and houses in the State of Ohio, on the subject of the direct tax, were discharged from the further consideration of the said memorials, and they were postponed to the first Monday in December next.

On motion, by Mr. DAGGETT, the committee appointed the 12th January to inquire into the expediency of making further provision by law relative to the jurors to be summoned to attend the courts of the United States were discharged.

The amendments to the bill, entitled "An act for the final adjustment of land titles in the State of Louisiana and Territory of Missouri," having been reported by the committee correctly engrossed, the bill was read a third time as amended, and passed.

Mr. LACOCK presented the petition of Thomas Parker and others, woollen manufacturers of Philadelphia, praying that measures may be adopted to encourage the manufactures of the United States, and secure them from the injuries which may arise from the recent changes in Europe; and the petition was read, and referred to the Committee on Foreign Relations, to consider and report thereon by bill or otherwise.

The bill to prolong the charters of the banks in the District of Columbia, upon certain conditions, was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. BIBB, of Kentucky, TAIT, CHACE, DAGGETT, and TAYLOR, were appointed the committee.

Ordered, That the motion submitted by Mr. GORE, as is stated on the 7th March, be postponed to, and made the order of the day for, Monday next.

Ordered, That the bill to lessen the compensation for marshals, clerks, and attorneys, therein mentioned, be postponed to, and made the order of the day for, Saturday next.

Mr. TURNER submitted the following motion, which was read and passed to the second reading:

Resolved, That two dollars a day be paid, out of the contingent fund, to each of the messengers of the Senate for their services during the present session of Congress.

Mr. WORTHINGTON, from the Committee on Military Affairs, reported a bill creating the office of Comptroller for the War and Navy Departments; which was read, and passed.

The Senate resumed, as in Committee of the

Whole, the consideration of the bill authorizing the appointment of certain officers for the flotilla service, together with the amendments proposed thereto; and the bill having been amended, the President reported it to the House accordingly.

On the question to agree to the amendment made in Committee of the Whole, and strike out, from section one, line 4, the word "captains," and insert "masters commandant," it was determined in the negative—yeas 11, nays 16, as follows:

YEAS—Messrs. German, Gilman, Goldsborough, Gore, Horsey, Lambert, Mason, Smith, Stone, Varnum, and Worthington.

NAYS—Messrs. Bibb of Kentucky, Bibb of Georgia, Chace, Condit, Daggett, Gaillard, Giles, Howell, King, Lacock, Morrow, Roberts, Robinson, Tait, Taylor, and Turner.

And, the bill having been further amended, it was ordered to be engrossed and read a third time as amended.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act supplementary to an act, entitled 'An act for the relief of the officers and soldiers who served in the late campaign on the Wabash.'"

On the question, Shall this bill be read a third time? it was determined in the negative.

On motion, by Mr. CHACE, it was agreed to reconsider the vote; and, on motion by Mr. WORTHINGTON, the further consideration of the bill was postponed until to-morrow.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to incorporate a company for the purpose of supplying Georgetown with water; and the bill having been amended, the President reported it to the House accordingly.

On the question, Shall this bill be engrossed and read a third time as amended? it was determined in the affirmative—yeas 16, nays 7, as follows:

YEAS—Messrs. Bibb of Kentucky, Fromentin, Gaillard, German, Gilman, Gore, Horsey, Howell, Hunter, Lacock, Lambert, Mason, Morrow, Roberts, Smith, and Worthington.

NAYS—Messrs. Chace, Condit, Daggett, Dana, Stone, Turner, and Varnum.

FRIDAY, April 8.

Mr. FROMENTIN gave notice that to-morrow he should ask leave to bring in a bill to grant donation rights to certain claimants of land in Louisiana.

The resolution for increasing the compensation of the messengers of the Senate, was read the second time.

The bill creating the office of Comptroller for the War and Navy Departments was read the second time.

Mr. GORE, from the committee to whom was referred the bill, entitled "An act for the relief of Henry Malcolm," reported it with amendment.

The bill authorizing the appointment of certain officers for the flotilla service, was read a third time, and passed.

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Indemnity for Ship Allegany.

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A message from the House of Representatives informed the Senate that they have passed a bill, entitled "An act to repeal an act, entitled 'An act laying an embargo on all ships and vessels in the ports and harbors of the United States,' and so much of any act or acts as prohibit the importation of goods, wares, and merchandise, of the growth, produce, or manufacture of Great Britain or Ireland, or any of the colonies or dependencies thereof, or of any place or country in the actual possession of Great Britain, and for other purposes;" a bill, entitled "An act fixing the time for the next meeting of Congress;" a bill, entitled "An act for the relief of Jarvis Cutler;" a bill, entitled "An act supplementary to the act, entitled 'An act to provide for the widows and orphans of militia slain, and for militia disabled in the service of the United States;'" a bill, entitled "An act supplementary to an act, entitled 'An act for ascertaining the titles and claims to lands in that part of Louisiana which lies east of the river Mississippi and island of New Orleans;'" a bill, entitled "An act for the relief of Benjamin W. Crowninshield;" a bill, entitled "An act for the relief of John P. Williamson and Thomas Rice;" also, a bill, entitled "An act to provide for the collection and preservation of such flags, standards, and colors, as shall have been, or may hereafter be, taken by the land and naval forces of the United States from their enemies;" in which bills they request the concurrence of the Senate.

The eight bills last mentioned were read, and passed to the second reading.

On motion, by Mr. TAYLOR, the committee to whom was referred the petitions of Robert E. Cochran; also, of the heirs of Leonard Jarvis, were discharged from the further consideration thereof.

The bill to incorporate a company for the purpose of supplying Georgetown with water, was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill fixing the salary of the Paymaster of the Army, and allowing a sum for the employment of additional clerks in his office for the year 1814, together with the amendments proposed thereto; and the amendments having been further amended, the President reported the bill to the House accordingly, and it was ordered to be engrossed and read a third time as amended.

SHIP ALLEGANY.

Mr. GOLDSBOROUGH, from the committee to whom was referred the memorial of Bowie and Kurtz, and others, made report, which was read. He also reported a bill for the relief of Bowie and Kurtz, and others; and the bill was read, and passed to the second reading.

The report is as follows:

That on the twentieth of January, in the year eighteen hundred and twelve, Richard Forrest, as agent on the part of the United States, chartered the ship *Allegany*, (Captain Ebenezer Evelith,) of the house of Bowie & Kurtz and others, of Georgetown, in the District of Columbia, for the purpose of con-

veying a cargo of naval and military stores to the Dey of Algiers, in pursuance of an existing treaty between that Regency and the United States of America. That the port of departure, the place of destination, and the time allowed for loading and unloading, were all specified and agreed to, as will more fully appear by reference to the charter party. That in consequence of terms more favorable to the Government than those first stipulated by the contracting parties for the freight, the owners, Bowie & Kurtz and others, were permitted, by the President of the United States, to put on board of the ship *Allegany* a small adventure of their own, adapted to the markets in the Mediterranean, consisting of coffee, spices, &c. That the cargo contracted to be delivered at Algiers to the agent of the United States arrived in good time, order, and condition, conformably to contract. That the Dey of Algiers, being displeased at some part of the assortment of the cargo, refused to receive it; in consequence of which refusal, Captain Evelith was prevented from unloading and delivering the cargo. That this fact took place in the view and with the knowledge of Colonel Tobias Lear, Consul General of the United States at Algiers, and consignee of the *Allegany's* cargo. That Colonel Lear conversed with Captain Evelith on the subject the next day after the occurrence, and at the same time informed him (Captain Evelith) of the order of the Dey, that he, the Consul General and family, together with all the Americans at Algiers, and the ship *Allegany*, cargo and crew, should depart and leave the port of Algiers in three days, under penalty of slavery to the persons, and confiscation of the ship and cargo. That, in consequence of this order, Colonel Lear, having no other alternative, directed Captain Evelith to have his ship ready to receive the passengers on board, and to sail by the limited time. That in this state of coercion, Captain Evelith could not hesitate to obey the directions of Colonel Lear, regarding him as the Consul General and agent for the Government of the United States, placed in a most critical and disastrous situation, and accordingly replied to Colonel Lear that he must obey his orders; declaring to him, at the same time, that he should consider the vessel as abandoned to the service of the United States, and himself under the commands of Colonel Lear. That, upon the departure of the *Allegany* from Algiers, Colonel Lear, influenced as he very properly was by a sense of duty to the interests of the United States, and by general important commercial considerations, ordered the ship to Gibraltar. The *Allegany* arrived at Gibraltar on the 4th of August, and, remaining there until the 8th following, the ship and cargo were then seized, in consequence of the arrival of intelligence of the declaration of war by the United States against Great Britain; and on the 30th of December next after, they were condemned, and the crew imprisoned.

Upon this undisputed statement of facts, the committee are of opinion that the contract was completely and satisfactorily fulfilled on the part of the owners of the ship *Allegany*, but that the United States failed to perform theirs; from which the owners sustained the entire loss of their contemplated voyage up the Mediterranean. That Colonel Lear, in the orders given to Captain Evelith to hold his ship ready to receive his family and the American citizens under his protection on board, and to sail at a given time, must be considered as the agent of the United States, acting in their behalf. That the abandonment of the ship *Allegany*,

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with her owners' adventure, by Captain Evelith to the United States, was proper and discreet; because the ship was to be totally diverted from her destined course, in violation of express orders, and to the damage of her owners; to which violation no other consideration could have induced Captain Evelith to agree, but that of the extreme necessity of the case, to save the Consul General and his family, together with a number of American citizens, from the horrors of Algerine slavery, and to rescue property of the United States, to a considerable amount, from certain loss. That, from the statement of Colonel Lear himself, as well as from that of Captain Evelith, there was substantially a perfect understanding between them, that the ship and adventure were abandoned by Captain Evelith to the United States, at the time that he submitted himself to the direction of Colonel Lear; and the destination of the *Allegany* to Gibraltar, under the direction of Colonel Lear, was exclusively for objects of great national interest.

1. Gibraltar was considered the best place to dispose of the cargo of the United States to most advantage.

2. Gibraltar was supposed by the Consul General to be the best station from which to give the earliest and most effective intelligence of the recent rupture with Algiers, for the protection of American commerce on those seas; and,

3. It was highly necessary for Colonel Lear to go to Gibraltar, as the United States' cargo on board was his only dependence to meet the bills he had drawn on Gibraltar from the money he had obtained from Jacob Coen Bacii of Algiers, to pay off the balance of the annuities claimed by the Dey.

It appears to the committee, that the equity of the claim is strengthened by the consideration, that from the date of the charter-party, (20th January, 1812,) it is evident that the owners had no reason at that time to apprehend a war; in consequence of which, the freight contracted for was at a peace value. But before the *Allegany* sailed, an embargo had been laid, on the 4th of April, in contemplation of war; and on the 27th following, a special act was passed to permit the departure of vessels chartered by the United States. With this prospect of war, the owners were bound by their contract; in consequence of which, express orders were given, in case of war, to sell the ship *Allegany* at all events, rather than incur the risk of returning. The intended destination of the *Allegany* was such as to have enabled the captain to have availed himself of these orders, but the change made in his route by the events at Algiers, and the commands of the agent of the United States, prevented it, and threw the ship into the immediate power of the enemy, by going into an enemy's port.

Under this view of the subject, the committee do not hesitate to recommend the claim of the memorialists to the prompt indemnity of Congress, as they consider it clearly and unequivocally founded upon the soundest principles of justice and propriety.

They therefore beg leave to present a bill for their relief.

REPEAL OF THE EMBARGO.

When the bill from the House of Representatives to repeal the embargo, non-importation, &c. had been read a first time, a motion was made by Mr. ANDERSON, that the usual rules of proceeding be dispensed with by general consent, and the bill be read a second time this day.

[This course requires, by a rule of the Senate, an unanimous consent.]

Objection was made to this course by Mr. SMITH, and afterwards by others.

Mr. KING suggested to the gentleman the expediency of withdrawing his opposition to the course proposed. If the bill should pass, was it not desirable, he suggested, that it should pass as speedily as possible.

Mr. SMITH declined withdrawing his opposition.

Mr. HORSEY conceived that if the bill did pass, as no doubt it would, it would be of the highest advantage to the mercantile interest that it should pass speedily. He therefore moved, though with much regret, to dispense with that rule of the Senate which requires that bills shall receive their three several readings on different days.

Mr. DAGGETT said he hoped that rule would not be suspended. It had been dispensed with when the embargo law passed, much against his consent; and he could not consent to suspend it now, even when a repeal of that measure was in contemplation.

Mr. FROMENTIN said he could not see so urgent a necessity for the prompt passage of this bill as to require the suspension of the rule. It was now well known everywhere that this measure was in agitation; and, whether the bill should pass to-day or to-morrow, he did not believe a single sail would depart for a foreign port sooner than if it received its three readings in the usual form. Persons interested were now getting ready to take advantage, as soon as possible after its passage, of the provisions of the bill; but none could be ready before it passed in the usual form. He would not dispense with the rule in question, unless substantial benefits were to arise from so doing; and as he could not see the benefits which would arise, he hoped the rule would not now be suspended.

Mr. HORSEY said he did not see any possible inconvenience which could result from a suspension of the rule. He did not wish to precipitate this bill through the Senate in a day, but merely to refer it to-day to the Committee of Foreign Relations, that the House might act on it definitively to-morrow, which is the last day of the week. If this course were not pursued, the House could not act on the bill till Monday. Meanwhile, a painful state of suspense would prevail in the community in relation to its fate; and great speculation would go on during the pendency of the question, because many might be incredulous enough to believe that the bill would not pass this body, though no gentleman on the floor could entertain a doubt of it.

Mr. DANA said that, for himself, he had no idea of that sort of legislation which resembled a race. The rules of the House had been often enough suspended; it was time a stop should be put to the procedure. Be it that there are speculations, said he; be it that merchants are enduring unpleasant suspense; are we to forget the principles on which we ought to make laws, merely because men are impatient in the coffee-houses? It was time this rapidity of legislation should be arrested,

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and that this House should not suffer its proceedings to be regulated by a regard to speculations among the merchants. It was in cases of importance like the present, that this rule ought to be most adhered to, &c.

Mr. BIBB of Georgia, said if this question to suspend the rule turned on the point whether the bill which was before the Senate should or should not pass without consideration, the remarks of the honorable gentleman from Connecticut would certainly be entitled to very great weight. But the object of the motion was, if he understood it, to enable the Senate to deliberate on the measure without delay, by referring it to a select committee for the very purpose of deliberation, which would be delayed under the ordinary rule of proceeding for one day.

Mr. GILES was opposed to a suspension of the rule in question. If that rule meant anything, it was intended as a check against the excitement of particular occasions, like the present. Dispense with the rule, said he, and you yield to that excitement against the effects of which the rule was intended to guard. He had no objection to this bill's going to a committee in the usual form, though there were peculiar and strong reasons, growing out of the nature of the bill, against its going to a standing committee, as well as against dispensing with the usual rule of proceeding. There were three distinct, separate, and independent principles contained in this one bill, in regard to which it might be a subject of very serious deliberation whether they ought all to be included in one bill. The first of these was the repeal of the embargo, a principle important enough of itself to form one bill; the second was a repeal of the whole non-importation system, a very important measure; and the third was a prohibition to our seamen from going out of the United States, which would also operate as a prohibition on their coming in. Every one of these subjects required a separate and distinct consideration. Mr. G. said he had always observed that legislation was most correct, when the bill before the Legislature embraced distinct principles, and least so when it contained a combination of principles frequently at war with each other. The principal reason of the objection to read this bill a second time to-day, he presumed was, that the bill contained so many distinct principles. And, if there was any one bill which ought to lie on the table one day for consideration, it was such a bill as this, presenting such a complexity of principles and provisions. He therefore objected to the suspension of the rule, first, because it would be treating the rules of the House with unnecessary levity; and, secondly, because of the generality of the reference it was proposed to give to this bill, embracing several distinct provisions. There was, he said, a great difference between a repeal of the embargo and a repeal of the non-intercourse; and, though he might favor both, he inclined to think that they ought to be separated into distinct bills.

Mr. TAYLOR spoke in favor of a suspension of the rule. The ordinary business of legislation, he said, required such a rule as a remedy against

surprise. On all great subjects, the reason of the rule ceased, and there might be a propriety in dispensing with the rule. The speech of the gentleman last up, of itself showed that the reason had in this case ceased; that the minds of gentlemen had been drawn to the subject—and of course that his theory in relation to this rule did not apply. The provisions of this bill had been a subject of conversation ever since the reception of the President's Message of yesterday week; and, even if the bill contained as many more principles as had been enumerated, gentlemen had made up their minds on it. At this stage of the business, Mr. T. appeared to think that the only question to exercise the judgment of the Senate was, whether the bill should or should not be committed, and if committed, to what committee it should go. As to sending with the bill a codicil of instructions to the committee, as had been hinted at, the course was unprecedented on the first reference of a bill to a committee. Even the opposition this morning to the progress of the bill might give a false coloring to the views of this House in relation to it, and tend to deceive and injure, not the coffee-house politicians, but the honest citizens throughout the country who are not generally as well informed as the merchants on public matters.

Mr. DAGGETT rose to defend his objection to the suspension of the rule, in support of which he quoted Jefferson's Manual of Parliamentary Practice. He held the principle of adherence to the rule to be important; because the rule that might be suspended because of the magnitude of a bill, was no reason at all. Though he should probably be in favor of the bill, he found himself bound to oppose the suspension of this rule in relation to it.

Mr. GILES rose to ask the gentleman from South Carolina, who had observed that it was not usual to accompany the first reference of a bill with instructions to the committee, whether he had ever before known an instance in which two important substantive acts were proposed to be repealed in one bill containing also another very distinct principle? It was certainly a very novel proceeding.

Mr. DANA said, that he wished time to reflect on this bill—a bill containing more in a small space than any bill ever before presented to the House, some of the provisions of which were in his opinion very objectionable. As to the idea of referring the bill to a committee for the purpose of deliberation, he did not for his part wish to deliberate by delegation. He wished time to deliberate; for, although he was perfectly fixed in the principle of repealing our commercial prohibitions, he wished time to deliberate on the other provisions—and especially since the President had referred the decision of the question to the discretion of Congress, &c.

Mr. HORSEY said, as it appeared, from the remarks of gentlemen that they were not prepared, as he had supposed all were, to act on the bill to-day, he would withdraw his motion.

The motion to suspend the rule having been withdrawn, the bill passed to a second reading.

And on motion, the Senate adjourned until to-morrow.

SATURDAY, April 9.

JESSE WHARTON, appointed a Senator by the Executive of the State of Tennessee, in place of George W. Campbell, resigned, produced his credentials, was qualified, and took his seat in the Senate.

Mr. GAILLARD, from the committee appointed on the state of the public buildings, reported, in part, a bill making an appropriation for repairing the President's House; and the bill was read, and passed to the second reading.

The bill to repeal an act, entitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," and so much of any act or acts as prohibit the importation of goods, wares, and merchandise, of the growth, produce, or manufacture of Great Britain or Ireland, or of any of the colonies or dependencies thereof, or of any place or country in the actual possession of Great Britain, and for other purposes," was read the second time, and referred to the Committee on Foreign Relations, to consider and report thereon.

Mr. FROMENTIN asked and obtained leave to bring in a bill to grant donation rights to certain claimants of land in the State of Louisiana; and the bill was read, and passed to the second reading.

The bill, entitled "An act to provide for the collection and preservation of such flags, standards, and colors, as shall have been, or may hereafter be, taken by the land and naval forces of the United States from their enemies," was read the second time, and referred to the Committee on Military Affairs, to consider and report thereon.

Mr. SMITH, from the Committee on Military Affairs, reported a bill, in further addition to an act, entitled "An act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States;" and the bill was read, and passed to the second reading.

The bill, entitled "An act for the relief of John P. Williamson and Thomas Rice," was read the second time.

The bill, entitled "An act fixing the time for the next meeting of Congress," was read a second time.

The bill, entitled "An act for the relief of Jarvis Cutler," was read the second time, and referred to the Committee on Military Affairs, to consider and report thereon.

The bill for the relief of Bowie and Kurtz, and others, was read the second time.

The bill fixing the salary of the Paymaster of the Army, and allowing a sum for the employment of additional clerks in his office for the year 1814, having been reported by the committee correctly engrossed, was read a third time, and the blanks were filled with the words "two thousand four hundred dollars," the Paymaster's salary, and "five thousand five hundred and forty-seven dollars," for additional clerk hire.

Resolved, That this bill pass, and that the title thereof be, "An act fixing the salary of the Paymaster of the Army, and allowing a sum for the employment of additional clerks in his office for

the year 1814, and providing for the appointment of assistant district paymasters."

The bill, entitled "An act for ascertaining the titles and claims to lands in that part of Louisiana which lies east of the river Mississippi and island of New Orleans," was read the second time, and referred to the committee appointed the 4th February, on the memorial of Thomas Cooper, and others, to consider and report thereon.

The bill, entitled "An act for the relief of Benjamin W. Crowninshield," was read the second time.

The bill, entitled "An act supplementary to the act, entitled 'An act to provide for the widows and orphans of militia slain, and for militia disabled in the service of the United States,'" was read the second time, and referred to the Committee on Military Affairs, to consider and report thereon.

A message from the House of Representatives informed the Senate that they do not concur in the amendments of the Senate to the bill, entitled "An act declaring the assent of Congress to an act of the General Assembly of the State of Tennessee, therein mentioned." They have passed a bill, entitled "An act to authorize the subdivision of the quarter sections of the land of the United States;" also, a bill, entitled "An act extending relief to certain purchasers of public lands in the Mississippi Territory," in which bills they request the concurrence of the Senate.

The two bills last mentioned were read, and passed to the second reading.

The Senate proceeded to consider the amendments disagreed to by the House of Representatives to the bill, entitled "An act declaring the assent of Congress to an act of the General Assembly of the State of Tennessee, therein mentioned."

On motion, by Mr. ANDERSON,

Resolved, That they *insist* on their amendments, and ask a conference on the disagreeing votes of the two Houses.

Ordered, That Messrs. ANDERSON, WHARTON, and BIBB, of Georgia, be the managers at the said conference on the part of the Senate.

Mr. SMITH presented the petition of John Hillen, and others, manufacturers, of the city and neighborhood of Baltimore, praying a revision of the law imposing duties on the importation of foreign articles; and, also, the prohibition of the importation of cotton goods, the manufacture of countries beyond the Cape of Good Hope, for reasons stated at large in the petition; which was read, and referred to the Committee on Foreign Relations, to consider and report thereon.

The Senate resumed, as in Committee of the Whole, the consideration of the resolution fixing the time for an adjournment of the present session of Congress.

On motion, it was amended, by striking out "eleventh," and inserting "eighteenth," and by striking out "next," and inserting "one thousand eight hundred and fourteen."

On the question, Shall the amendments be engrossed, and the resolution read a third time, as amended? it was determined in the affirmative;

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and the amendments having been reported by the committee correctly engrossed, the resolution was read a third time as amended, by unanimous consent, and passed.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States :

I transmit to the Senate a report of the Secretary of State, complying with their resolution of the 2d instant.
APRIL 9, 1814. JAMES MADISON.

The Message and documents were read, and ordered to be printed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to incorporate the subscribers to the stock of the Union Bank of Alexandria.

On motion, by Mr. GERMAN, that the further consideration thereof be postponed to the first Monday in December next, it was determined in the negative; and, after debate, the Senate adjourned.

MONDAY, April 11.

Mr. WORTHINGTON, from the Committee on Military Affairs, to whom was referred the bill, entitled "An act concerning invalid pensioners," reported it without amendment.

Mr. WORTHINGTON, from the same committee, to whom was referred the bill, entitled "An act for the relief of Jarvis Cutler," reported it without amendment.

Mr. WORTHINGTON, from the same committee, to whom was referred the bill, entitled "An act to provide for the collection and preservation of such flags, standards, and colors, as shall have been, or may hereafter be, taken by the land and naval forces of the United States from their enemies," reported it also without amendment.

Mr. BURN, from the Committee on Foreign Relations, to whom the subject was referred, reported a bill for the relief of Israel Thorndike; and the bill was twice read by unanimous consent, and ordered to be engrossed and read a third time.

Mr. SMITH, from the committee to whom the subject was referred, reported a bill to incorporate the subscribers to a bank in Georgetown, in the District of Columbia, by the name and style of "The Farmers and Mechanics' Bank of Georgetown," and the bill was read; and, on the question. Shall this bill be read a second time? it was determined in the negative.

Mr. SMITH, from the committee to whom was referred the bill, entitled "An act in addition to the act, entitled 'An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes,'" reported it with amendments.

A message from the House of Representatives informed the Senate that the House insist on their disagreement to the amendment of the Senate to the bill, entitled "An act declaring the assent of Congress to an act of the General Assembly of the State of Tennessee therein mentioned." They

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agree to the conference proposed on the subject, and have appointed managers on their part. They have passed the bill, entitled "An act to incorporate a company for the purpose of supplying Georgetown with water," with an amendment, in which they request the concurrence of the Senate. They have passed a bill, entitled "An act for the relief of Augustus McKinney and Lazell Bancroft;" also, a bill, entitled "An act authorizing the Secretary of State, during the continuance of the present war, to make an additional allowance to the owners and masters of vessels for bringing back to the United States destitute and distressed American seamen;" in which bills they request the concurrence of the Senate.

The two bills last brought up for concurrence were read, and passed to the second reading.

The bill in further addition to an act, entitled "An act more effectually to provide for the national defence by establishing an uniform militia throughout the United States," was read the second time.

The bill making an appropriation for repairing the President's house was read the second time.

On motion, by Mr. VARNUM, the bill to incorporate subscribers to a bank in the town of Alexandria, in the District of Columbia, by the name and style of the Union Bank of Alexandria, was postponed to the first Monday in December next.

On motion, the Senate proceeded to consider the amendment of the House of Representatives to the bill, entitled "An act to incorporate a company for the purpose of supplying Georgetown with water;" and concurred therein.

The bill, entitled "An act extending relief to certain purchasers of public lands in the Mississippi Territory;" was read the second time, and referred to the committee appointed the 4th of February on the memorial of Thomas Cooper, and others, to consider and report thereon.

The bill, entitled "An act to authorize the subdivision of the quarter sections of the lands of the United States," was read the second time, and referred to the committee last mentioned, to consider and report thereon.

The bill to grant donation rights to certain claimants of land in the State of Louisiana, was read the second time, and referred to the committee last mentioned, to consider and report thereon.

On motion, by Mr. GORE, the consideration of his motion, as is stated the 7th of March was further postponed to, and made the order of the day for, to-morrow.

REPEAL OF THE EMBARGO.

Mr. BIBB, of Georgia, from the Committee on Foreign Relations, to whom was referred the bill, entitled "An act to repeal an act, entitled 'An act laying an embargo on all ships and vessels in the ports and harbors of the United States,' and so much of any act or acts as prohibit the importation of goods, wares, and merchandise, of the growth, produce, or manufacture of Great Britain or Ireland, or of any of the colonies or dependen-

cies thereof, or of any other place or country in the actual possession of Great Britain, and for other purposes," reported it with amendments; and, on his motion, the several orders of the day were postponed, and the Senate resumed, as in Committee of the Whole, the consideration of the report of the select committee on the bill last mentioned, which was to strike out the 3d and 4th sections, as follows:

"**SEC. 3.** *And be it further enacted,* That no foreign ship or vessel, during the continuance of the present war between the United States and Great Britain, shall receive a clearance, or be permitted to depart from the United States, whose officers and crew shall not consist wholly of the citizens or subjects of the country to which such ship or vessel shall belong, or of a country in amity with the United States; and no citizen of the United States shall be permitted to depart in such ship or vessel without a passport or permission therefor, furnished under the authority and direction of the President of the United States.

"**SEC. 4.** *And be it further enacted,* That it shall be the duty of the President to transmit to the several collectors of the customs, such numbers of blank passports as he may judge necessary, to be by them filled up and delivered to citizens of the United States intending to embark for foreign countries, under such regulations as shall be prescribed by the President of the United States."

On the report of the committee a question of order was made, and the President asked the decision of the Senate on the mode in which the question should be taken; and, on motion, by Mr. Bibb of Georgia, it was agreed that the question be, Will the Senate concur in the report of the committee?

Whereupon, Mr. GOLDSBOROUGH requested the yeas and nays; and, on the call of Mr. ROBERTS, the question was divided, and taken on that part of the report which goes to strike out the 3d section; and it was passed in the affirmative—yeas 29, nays 3, as follows:

YEAS—Messrs. Anderson, Bibb of Kentucky, Bibb of Georgia, Brown, Chace, Condit, Daggett, Dana, Fromentin, Gaillard, German, Giles, Gilman, Goldsborough, Gore, Horsey, Howell, Hunter, King, Lacock, Lambert, Mason, Morrow, Smith, Stone, Tait, Wells, Wharton, and Worthington.

NAYS—Messrs. Roberts, Turner, and Varnum.

And on the question, Will the Senate concur in the residue of the report of the committee, which goes to strike out the 4th section? it was determined in the affirmative.

On motion, by Mr. ANDERSON, to amend the bill, by inserting, section 1, line 6, after the word "thirteen," the following words: "excepting so much thereof as prohibits the exportation of provisions," it was determined in the negative—yeas 9, nays 24, as follows:

YEAS—Messrs. Anderson, Chace, Howell, Lacock, Roberts, Robinson, Turner, Varnum and Wharton.

NAYS—Messrs. Bibb of Kentucky, Bibb of Georgia, Brown, Condit, Daggett, Dana, Fromentin, Gaillard, German, Giles, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Mason, Morrow, Smith, Stone, Tait, Wells, and Worthington.

The bill, as amended, was, by the President, reported to the House; and, on the question, Shall the amendments be engrossed, and the bill read a third time as amended? it was determined in the affirmative—yeas 29, nays 4, as follows:

YEAS—Messrs. Anderson, Bibb of Kentucky, Bibb of Georgia, Brown, Chace, Condit, Daggett, Dana, Fromentin, Gaillard, German, Giles, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Mason, Morrow, Roberts, Robinson, Smith, Stone, Tait, Wells, Wharton, and Worthington.

NAYS—Messrs. Howell, Lacock, Turner, and Varnum.

TUESDAY, April 12.

On motion, by Mr. SMITH, the committee to whom was referred the petition of the President and Directors of the Bank of the Metropolis, were discharged from the further consideration thereof; also, on his motion, the committee to whom was referred the petition of Jacob Gerard Koch, and others, praying an act of incorporation for a national bank, were discharged from the further consideration thereof.

Mr. ANDERSON, from the committee of conference on the amendments to the bill, entitled "An act declaring the assent of Congress to an act of the General Assembly of the State of Tennessee therein mentioned," reported that the conferees had agreed to a modification of the amendments.

On the question, Will the Senate concur in the report of the committee of conference, it was determined in the affirmative. Whereupon,

Resolved. That the Senate so far recede from their amendments as to adopt the report of the managers at the conference.

A message from the House of Representatives informed the Senate that they have passed a bill, entitled "An act granting pensions to the officers and seamen serving on board the revenue cutters in certain cases;" a bill, entitled "An act authorizing the President to cause certain parts of the coast of the United States to be surveyed;" also, the bill, entitled "An act concerning certificates of confirmation of claims to lands in the State of Louisiana;" in which bills they request the concurrence of the Senate.

The three bills last mentioned were read, and passed to the second reading.

The bill, entitled "An act authorizing the Secretary of State, during the continuance of the present war, to make an additional allowance to the owners and masters of vessels for bringing back to the United States destitute and distressed American seamen," was read the second time.

The bill, entitled "An act for the relief of Augustus McKinney and Lazel Bancroft," was read the second time.

The PRESIDENT communicated a letter from James Lloyd; which was read. Whereupon, it was agreed to postpone the several orders of the day; and the bill for the relief of James Lloyd was resumed, and considered as in Committee of the Whole; and, no amendment having been

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proposed, on the question, Shall this bill be engrossed and read a third time? it was determined in the affirmative; and it was agreed by unanimous consent that the bill have a third reading on this day.

Mr. KING presented the petition of William Shotwell and Arthur Kinder, inhabitants of the city of New York, stating that they have, at great labor and expense, discovered an easy and expeditious method of manufacturing the hair of neat cattle, either by itself or mixed with wool, by which an excellent article for clothing, carpeting, &c., is made, and praying such an extension of duties on coarse woollens as may effectually protect and encourage their manufacture, as is stated in the petition; which was read, and laid on the table.

The amendments to the bill, entitled "An act to repeal an act, entitled 'An act laying an embargo on all ships and vessels in the ports and harbors of the United States,' and so much of any act or acts as prohibit the importation of goods, wares, and merchandise, of the growth, produce, or manufacture of Great Britain or Ireland, or of any of the colonies or dependencies thereof, or of any place or country in the actual possession of Great Britain, and for other purposes," having been reported correct, the bill was read a third time.

On the question, Shall this bill pass as amended? it was determined in the affirmative—yeas 26, nays 4, as follows:

YEAS—Messrs. Anderson, Bibb of Kentucky, Bibb of Georgia, Brown, Chace, Condit, Daggett, Dana, Fromentin, German, Giles, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Mason, Morrow, Roberts, Robinson, Smith, Stone, Wells, Wharton, and Worthington.

NAYS—Messrs. Howell, Lacock, Turner, and Varnum.

On motion, by Mr. BIBB of Georgia, the title was amended, by striking out "and for other purposes."

So it was resolved that this bill pass with amendments.

The engrossed bill for the relief of Israel Thorndike was read a third time.

On the question, Shall this bill pass? it was determined in the affirmative—yeas 18, nays 7, as follows:

YEAS—Messrs. Anderson, Brown, Daggett, Fromentin, German, Giles, Gilman, Goldsborough, Gore, Horsey, Howell, Hunter, King, Lambert, Mason, Smith, Stone, and Wells.

NAYS—Messrs. Bibb of Kentucky, Bibb of Georgia, Chace, Condit, Morrow, Roberts, and Turner.

So it was resolved that this bill pass.

The bill for the relief of James Lloyd was read a third time, and the first blank filled with the words "1st day of July, 1813."

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The consideration of the motion submitted by Mr. GORE, as is stated the 7th of March, was resumed.

Mr. GORE addressed the Chair as follows:—

Mr. President, when these resolutions were submitted to the consideration of this House, I distinctly stated why they were not brought forward at an earlier day, and why, at the time, they were offered. That the subject was introduced into the argument on considering the nomination of Messrs. Gallatin, Bayard, and Adams; that it was then remarked, and justly, in my judgment, that the President having commissioned these gentlemen in the recess was not an evidence of unfitness in them for the office to which they were named; that the advice and consent of the Senate would give validity only to the commission that should issue after such advice and consent; that the nomination was sufficiently perplexing, without the introduction of anything not necessarily involved in its consideration; that the discussion of the subject then, might have an improper weight in deciding in the appointment, and the desire to appoint these gentlemen might have an improper influence in deciding this question. It was, therefore, waived until the nomination was finally acted upon, and was then brought to the notice of the Senate.

It was not expected that having voted on this nomination would be adduced as a conclusive objection against the Senate's assertion of their rights at this time, without showing some error in the statement or in the reasons that were considered satisfactory for not intermingling a question on the right of the President to appoint in the recess, to a vacancy that did not happen at that time, with the fitness of the gentlemen for an office, to which they were nominated, when they might be rightfully appointed.

The resolutions were supported on the grounds and provisions of the Constitution exclusively; and the construction of the words of this instrument, according to their plain sense and meaning, was not attempted to derive decisive support or confirmation from any acts or doctrines of others, except from the solemn and deliberate acts of the whole Congress, and from the practice of President Washington during his Administration. I made no comparison between that great man and his successors; I predicted no consequences from an assumption of the whole of the powers of the President and Senate by the President alone. I endeavored to repress every feeling, and to refrain from any suggestion that could have the most remote tendency to excite a temper hostile to a calm and deliberate discussion of the question involved in these resolutions. But, the mere attempt to bring into consideration whether the President had trespassed on the rights of the Senate, and whether any exercise of power by him could be controlled, or even examined by a co-ordinate branch of the Government, is declared erroneous and extraordinary.

The resolutions, and the support of them, are deemed extraordinary. Since I have heard the reasons that have been offered against them, I do not wonder at the manner in which they have been characterized. They are *extraordinary*, for they are grounded on the Constitution, and every argument offered in their support is derived

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from that instrument; whereas every argument offered in opposition to them is drawn from sources totally extraneous to the Constitution; from precedents, from expediency, necessity, and the advantages resulting from a promptitude of action, and supreme, uncontrolled power in the President of the United States.

My motives, too, have been directly or indirectly arraigned, and I am supposed to be qualified to object to this assumption of power by the President, from the part I have borne in the transaction, from the conduct of the part of the country from which I came, and of the party to which I belong.

I am not sensible that I can be influenced in the part I have taken by any considerations of friendship or resentment; but really, sir, the motives of the mover, whatever they may be, cannot alter the nature of the propositions submitted, nor vary their truth or falsity.

One honorable member has kindly interposed to vindicate my motives, both against himself and others who have taken part in this debate. I tender to him my acknowledgments for his good intentions, but, on this occasion, I want not the interposition of any shield. I stand on the conscious purity of my own motives, supported and confirmed, beyond the effect of any assault, by the Constitution of my country, which we are all bound to respect. In virtue of that charter, and of my rights as a Senator, I am authorized to inquire if the privileges of this body have been infringed. By my duty to the State whose representative I am, and to this Senate, intrusted with the rights of independent and sovereign States, I am obligated by all the means in my power to preserve inviolate the rights and privileges delegated to this department of Government.

I agree that a great portion of the people of the country which I inhabit were opposed to entering into the war; that they predicted from it distress and disgrace to the nation; and to the States and the people, an invasion of their Constitutional rights.

It was not to be expected that, at a time when almost every man in the Government, if not almost every man on the soil, most sincerely wishes that the like sentiments had pervaded every branch of the Administration, their opposition to the war could be insinuated against them. They never countenanced the idea that the path of national degradation could lead to honorable peace, and that in the pursuit of such an object any department of the Government had a right to disregard the provisions of the national Constitution. The party to which I am supposed to belong needs not my support. Their character is deeply marked in the history of their conduct, both when they administered the Government and since they have been excluded; in the creation and support of public credit; in the economical expenditure of the public treasury; in the perfect safety of public and personal liberty; in the unexampled wealth and prosperity of the whole community; in the honor and glory

which accompanied the name of America at home and abroad. I forbear to contrast this by the shades of night that have succeeded the lustre of Washington and his Administration.

The Senate ought not to decide in these resolutions, say gentlemen, because they are a party. The President and Senate are co-ordinate branches, as to the power of appointment. He judges and assumes the whole power—the Senate being the other branch, cannot even examine whether he has usurped their rights. Then the Senate can have no privileges—no powers, but at the will and by the courtesy of the President. Such are not rights. Another objection of the same class is, that the Senate cannot act on this subject now, because this body is to judge on impeachment. Do gentlemen seriously believe there exists any danger of their being ensnared in the discharge of any of their judicial functions by an assertion of their right in the manner proposed? The gentlemen who gravely make this objection, declare that we are precluded from even examining the subject, because we voted on the nomination, and because we did not seriously object to any appropriations of money for defraying the expenses of the Envoys. If it could be supposed there was any reason to apprehend an impeachment by the House of Representatives, no one here believes it would have the least countenance in this body, especially from those who now argue that the President was absolutely correct, and that precedents, sanctioned here, support their doctrine. As one honorable gentleman who makes this objection was last year a member of the other House, perhaps he discovered there such an overbearing disposition to protect and guard the authorities of the Senate against any supposed invasion thereof by the Supreme Magistrate as to excite some fears in his mind on this point; but as the rest of us have no such information, as to induce the smallest apprehension, that our judicial quality can be entangled in the mode now proposed for asserting our rights, we may safely proceed without alarm on account of any collision of our duties.

It is said this proceeding of the Senate must be without effect. I do not so lightly value the weight and influence of this department, and I think it not very respectful to the President. If a co-ordinate branch of the Government with his office, especially in the power of appointment, should present to him an opinion that in the exercise of his powers he had infringed theirs—he might be led to examine the course pursued by him, and how far it was supported by that instrument, which defines his powers as well as those of the other departments, and if he should entertain doubts, it is but just towards his character to presume he would refrain from a similar conduct, and thus there would be an end of the evil. If no other effect, this would certainly follow from adopting the resolutions; it would prevent the particular act now under consideration from being quoted as a precedent against the rights of the Senate. Gentlemen who will reflect on the weight that is now attempted to be given to pre-

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cedents of a very doubtful and equivocal character, must consider this as no small advantage.

It has been stated that it is improper in the Senate to proceed, because the President is not heard. When they who make the objection will take the trouble to consider the broad grounds of construction by which they have measured his powers, and the very limited scale on which they have meted out those of the Senate, I think they will be satisfied that no one actually exercising this high office could have claimed more for himself, or have shown greater strictness in limiting the powers of this body. At least they may be consoled that their arguments have refuted their assertion and quieted the apprehensions of all who believed that the President's powers would not be vindicated in the Senate.

Gentlemen object that not having discussed this question on the appropriation of money to defray the expenses incurred prior to the advice and consent of the Senate to the appointment of these Envoys, precludes all discussion afterwards. The expense must have been a few thousand dollars—and as this was incurred by these gentlemen at the instance of the President, whether they had been commissioned or not, and with the expectation that they would be appointed, I should have doubted the validity of any objection to this item in the appropriations; and no one believes now, or could then, that evils of this kind would have been listened to a moment by those who were appropriating millions, regardless of all opposition from members who thought such expenditure worse than useless. Protesting, as the resolutions propose, seems peculiarly odious to some gentlemen. The Senate the last Summer committed this nomination to five of their body, and directed them to confer with the President on the subject thereof. This, President Madison declined. It was the course pursued in the days of President Washington, and was supposed to be attended with advantage to the public interest, without derogating from the dignity of his elevated rank.

As the President will not confer with you on a supposed invasion of your rights, and there is no power authorized to judge between the President and the Senate, you can rely only on an impeachment by the House of Representatives for any infringement of your privileges, which mode of redress you cannot and certainly ought not to influence you if you could. Besides the extreme absurdity of imposing an utter incapacity on a body intrusted with rights and obligated to perform duties, even to complain to the department who has interfered, there must be one objection in the minds of gentlemen who now say it is improper to protest, which would prove conclusive to the Senate's sitting in judgment on such an impeachment, viz: they would be judge and party. Now, if gentlemen think there is such an utter incompatibility between the quality of judge and party, that the Senate cannot even inquire whether a co-ordinate branch of the Government has disregarded their rights and assert the fact, to the end, at least, that it might not be pleaded as a precedent against them: they would think

it altogether impossible to sit in judgment on the question, whether the President had violated the Constitution by invading the rights of the judge, and to decide against him and pass sentence of so high and extreme a nature, as they would be authorized to do, in case he was adjudged guilty.

It was the fundamental principle of our Revolution, that the colonies and the provinces of the empire had a right and were bound to assert their own privileges—to protest against any invasion of them by the King, the acknowledged head of the nation, or by the Parliament of Great Britain, which assumed a control of them; that the different departments of the provincial legislatures were authorized to exercise the same rights against the Governors, the supreme executives of the provinces. This right was freely and fully exercised, and were it not for its liberal use, we should have remained provinces to the present day. Most of our State constitutions assert the right in all corporations and individuals to examine freely all public measures, and to remonstrate against such as they may think tend to impair their privileges. Such a right has been claimed and does still exist in the States, and is practised by them, as regards the Government of the United States collectively, or in their several departments.

The Commonwealth of Virginia asserts and supports, by very strong arguments, the right in that State to examine into the constitutionality of any act of the Federal Government, and, if in their judgment unconstitutional, to protest against the same; and the General Assembly did particularly protest against two acts of Congress as palpable and alarming infractions of the Constitution, and called on all the other States in the Union to co-operate with them in that measure. The State of Kentucky, then one of, if not the youngest in the Union, did enter her protest in the following terms, viz: "In order that no pretext or arguments may be drawn from a supposed acquiescence on the part of this Commonwealth, in the constitutionality of those laws, and be thereby used as precedents for their similar future violations of the Federal compact, this Commonwealth do now enter against them its solemn protest."

The authority of the States was founded on the ground, that the States were parties of the Federal compact, that they had vested certain powers in the Federal Government, and had retained all which were not included in the grant, and that, as protectors of their own rights, they were authorized to examine if Congress had not transcended their powers, and to protest against any infringement of the rights of the States, in order to arrest the progress of the evil, and thereby preserve the Constitution itself, and to provide for the safety of the parties to it. Did not the States profess and exercise this right, says the illustrious Commonwealth of Virginia, "there would be an end to all relief from usurped power, and a direct subversion of the rights specified and recognised under all the State constitutions."

Under the Confederation, the States possessed

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the sovereignty of the United States. They sent their Representatives to the Congress, with authority to recall them at pleasure. In Congress each State had equal rights; the power of the small, though respectable States of Rhode Island and Delaware, was as great as that of the two large States.

The States consented to surrender great and important powers, and immense sources of wealth, then exclusively at their command. They expected to find their indemnity in the Senate of the United States, where was deposited their rights, of which this body was to be the guardian and support. The exclusive power of the United States was altogether in the representatives of the States, under the Confederation. Under this Constitution, the Senate, still the representatives of the States, was to participate in the Executive power to as great an extent as, and in all cases where, it could possibly act.

Yet we are told that all the States combined and assembled together in this Senate, the depository of the rights, the dignities, and the authorities of these free and independent sovereignties, cannot assert their right against a co-ordinate branch of the Government, which has invaded them, and protest against the exercise of a power usurped on their privileges, while any State, the smallest as well as the largest, every corporation however limited, and every individual, however humble, possesses this right in the greatest latitude, uncontrolled and unquestioned.

Having, as I trust, sir, satisfactorily answered all the objections to the Senate's proceeding in the manner proposed by these resolutions, let us again examine this question by the Constitution, which is superior to, and ought to guide, direct, control, and limit, all the acts of the Government, and of every department thereof. All the powers and authorities communicated to this Government are contained, defined, and limited, to this compact. If any are claimed which this grant does not authorize, they do not exist. Neither the whole Government, nor any department thereof, can rightfully exercise such, however convenient, expedient, or necessary they may be thought. The safety of the Constitution depends essentially on the organization of the Government, and on the preservation of the rights and privileges of each department, and especially on guarding against an union of the powers of two or more of the departments of Government in one.

The power of appointing Ambassadors and other public Ministers is vested in the President and Senate, without any authority or possibility of changing this power and vesting it absolutely in either of them, or in any other branch of Government, except in the case of a vacancy which may happen during the recess of the Senate, when the President may fill up such vacancy, by granting commissions, which shall expire at the end of their next session.

The first resolution declares the opinion of the Senate, that no such vacancy can happen in any office not before full. One of the gentlemen calls

on me for authority to show that the office must have been before full.

The answer is, that the plain sense and meaning of the terms will admit of no other interpretation.

It is a sound principle of construction, that in every instrument you must give sense and meaning to every word, if possible.

The time of the Senate consists of two periods, viz: their session and their recess.

The Constitution expressly provides for all appointments during their session, by vesting them in the President and Senate jointly. In their recess, it provides for a particular class of vacancies only, viz: such as may happen during their recess; and one of the honorable gentlemen who oppose this resolution expressly acknowledges, that, if a vacancy occur during the session, it cannot be within this grant of power to the President.

If this resolution be untrue, the three words, *that may happen*, are of no use. The vacancy could not happen during the recess, unless the office was full during the session, for there being only two periods of time as respects the existence of the Senate, when you say it happened at one time, you necessarily include the idea it did not exist at the other, and that the office was in its opposite state, viz., full.

Offices are vacant or full. You cannot with grammatical propriety say a vacancy happened therein, on such a day, without conveying the idea that it was full the day before, any more than you can say a man died within a certain hour, without implying, necessarily, that he was alive the hour before.

If the construction contended for by gentlemen who oppose this resolution be true, the words, *that may happen*, are useless; and surely if the Constitution intended to convey the power like that exercised by the President, in the present case, it might and would have said, the President shall have power to fill up all vacancies during the recess of the Senate. This is precisely the construction contended for, and thus it is insisted that the special power contains a general grant, which renders the special nature of the delegation useless, at the same time that it renders null and void the authority contained in the general grant of the President and Senate, and authorizes the President to annihilate all the privileges of the Senate in respect to the power of appointment. I may surely return the question, and ask the honorable gentleman whence he obtained authority for such a construction.

The construction which I have considered obvious and unavoidable has been confirmed by repeated acts of Congress, authorizing the President to appoint to offices, that were created during the session of the Senate, and remained vacant until the recess commenced, which acts would have been unnecessary if the President, Senate, and House of Representatives, had not concurred in opinion that the offices must have been before full, to have vested a power in the President to fill up vacancies during the recess.

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These acts embrace cases of offices created by law, and not filled before the recess, and also cases of offices that had been filled, and in which vacancies had happened during the session of the Senate.

The third section of the first article of the Constitution, in speaking of the Senate, declares that "if vacancies happen by resignation or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments, until the next meeting of the Legislature, which shall then fill such vacancies." No instance can be cited, where the Executive of a State has made a temporary appointment during the recess of the Legislature, unless the office had been before full, and such person, so appointed, was admitted to a seat in the Senate.

During the recess of the Legislature of Delaware a vacancy happened in the representation of that State, in the Senate of the United States. The period for the session of the Legislature being near, the Governor did not appoint. The Legislature met, and, from some difference between the two Houses, the session terminated without choosing a Senator. The Governor then appointed Mr. Johns to fill the vacancy, and, upon his presenting his credentials, the Senate were of opinion that he was not constitutionally appointed, because the vacancy had not happened during the recess, when the appointment was made, but only existed, having taken place previous to that recess.

A case was stated: suppose Congress create an office, to be occupied at a future day, may not the President appoint at such day, if in the recess? the answer is, he cannot—and the gentleman who supposed the case gave the answer by showing the judgment of Congress, in providing, by the tax acts, the last session, which were to be executed at a future day, that the President should have authority to appoint the officers during the recess, which would have been superfluous and useless, if he had the power under the Constitution.

An attempt is made to escape from the obvious and natural meaning of the words of the Constitution by declaring there is a difference between offices internal and external—and that the clause which limits the power of appointment in the President to vacancies which may happen during the recess of the Senate, applies only to internal offices, that is, to offices to be executed within the United States. This is susceptible of several answers which are conclusive. If the President has not the power, under this clause, with its limitations, he possesses no power to appoint during the recess; for the first clause grants the power to the President only with the advice and consent of the Senate; and he has no power on this subject but in these two clauses. The Constitution makes no difference between officers who are to execute their functions, whether in or out of the United States. There is no pretence or color for such distinction in any sentence or word in the Constitution.

If it could be tortured into such a meaning it would, considering the avowed object in raising the existing military force of the United States, apply to all the officers of the army; and would in all cases apply to the officers of the navy, who necessarily are to execute most of their duties out of the United States. They go from this country, and so do your public Ministers, and their operations are principally out of the territorial limits of this nation.

It is said that in peace with a foreign nation the office exists; that in war it ceases. Peace is restored, or a mediation offered, as in the present case, and the office happens, and the vacancy happens at the same moment. Without making any remarks which naturally arise on this queer fancy, it will be considered a sufficient answer to say that if the Constitution could have intended such a meaning, it would have said, in all cases where offices happen, &c. Besides, it is important for this supposition, that however destructive war may be, the office of Ambassador is always an exception, and is never destroyed by war; being an office by which war itself is extinguished.

Much pains have been taken to show that the office of Ambassador and public Minister results from the law of nations or from the Constitution, and not from statute. Having already stated my own opinion on this subject, it is quite needless to examine further the question, and more so, as, let their creation or existence be according to whatever any imagination may suggest, the Constitution equally applies to them; and it does especially so by name. Another objection of a like kind has been made, susceptible of like reply, viz: that the function or employment of an Ambassador or public Minister is not an office. It is treated as an office, and by this name, in the civil law and by all the writers on English law from the days of Lord Coke to the present time. Will it be contended that an Ambassador cannot be impeached? And can any one but an officer be impeached? But if gentlemen were correct in this remark, it is not of the smallest consequence; for the clause which grants a power to the President to fill up vacancies does not use the term office, but says the President shall have power to fill up all vacancies that may happen during the recess of the Senate, and must apply to all the appointments named or included in the preceding clause; and, if it do not, the President has no power, except in connexion with the Senate; for that says the President shall nominate, and by and with the advice and consent of the Senate, shall appoint Ambassadors and other public Ministers.

It is said that the precedents of all the Administrations, including General WASHINGTON'S, are against the construction contained in these resolutions. No precedents can weigh against the plain sense and meaning of the Constitution and its express provisions. A contrary position would involve this palpable absurdity, viz: to render the Government superior to the Constitution; which is contrary to the fundamental principle of all society, that the Constitution is

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superior to and of right ought at all times to direct and control all the measures of Government.

"Precedents," says the respectable Commonwealth of Virginia, "are so much positive power, and the nation that once reposes on the pillow of political confidence, will sooner or later end its political existence in a deadly lethargy. We are all bound to look for security, not from the personal probity of man, but from the barriers of the Constitution."

If precedents are already established, which can in any degree be brought to sanction the exercise of power now claimed by the President, it behoves us to be more vigilant, and to endeavor to arrest the progress of the evil, by all means in our power.

The cases cited as precedents in the time of General Washington are, first, one or more, where he appointed in the recess of the Senate, to a vacancy that happened during the recess, by the person's not accepting the office to which he was appointed by the President and Senate. The gentleman who cites this as a precedent, is compelled to make a construction, which I contend is not warranted by the spirit and meaning of the Constitution, viz: that the office is not full until a person has been appointed to and accepts the office.

The intent and meaning of the Constitution evidently was, that the President and Senate should fill the office; that the Senate should advise and consent thereto. In the case of a person being so appointed, the Senate has consented to the office, and to its being filled by an officer nominated by the President; their authority has been as completely exercised, as though he had accepted and performed the duties of the office. These two departments of Government have done all on their part to fill the office, and as relates to them the office may truly be said to have been full.

In case of resignation during the recess, no doubt is entertained of the happening of a vacancy. Is not every declining of an office conferred, before or after accepting it, a resignation? To decline to accept, or to continue to execute, are in substance the same thing.

A commission is stated to have been made to Mr. Short by President Washington during the recess. The fact is, Mr Short was at that time the Resident Minister at the Court of Madrid, to which office he had been duly appointed by the President and Senate; and upon there being a prospect of an amicable adjustment of the boundaries between the United States and Spain, a commission was issued to him for this particular settlement, and was not only in the nature of an instruction, but also an authority to conclude this particular business, that it might be necessary to proffer to the Spanish Court, to evince to them that he was duly authorized to perform that which he was instructed to do. He was equally the Minister of the United States before, as after, he received this commission; and the President was no more obliged to advise with the Senate on

this than on any other instruction or special power. He chose to intrust him with it, as Minister to Spain, to which the Senate had already advised and consented.

It is customary after the appointment of a Minister to grant to him, from time to time, special commissions to conclude particular business—his general commission establishes his character, his special commission his authority in particular cases.

The other cases are those of John Paul Jones, appointed to negotiate with the Dey of Algiers, June 1792. David Humphreys, for the same purpose, 21st March, 1795. Mr. Barclay, Consul at Morocco, 31st March, 1791.

Our concerns with the Barbary Powers had been negotiated and settled by persons appointed, and authorized by the Ministers of the United States, resident at the Courts of Spain and France, who were authorized to employ such agents. Mr. Barclay was so appointed by Doctor Franklin, Mr. Adams and Mr. Jefferson, then at Paris. In 1790, many citizens of the United States were prisoners at Algiers, and our affairs at Morocco were in an unsettled state.

The whole subject was submitted to the Senate by President Washington, whereupon the Senate appointed a committee to confer with him, and after a conference, the committee reported resolutions relative to the whole subject, which authorized the President to take measures for confirming the treaty, existing between the United States and the Emperor of Morocco; and Mr. Barclay, who was probably then at Morocco, and had made the treaty referred to, under the direction of our foreign Ministers at Paris, received the appointment, as stated by the gentleman from Georgia, and for the purpose enjoined by the Senate.

The Senate also authorized the President to take measures to conclude a convention or treaty with Algiers, for the establishment of a peace with them, on certain specified terms, containing the sums, beyond which they did not authorize the President to stipulate, for the ransom of American prisoners, and for the annual tribute to be paid to the Dey; and the Senate resolved that if the President made such a treaty they would ratify the same.

The President commissioned Mr. Humphreys, then Minister at Madrid, to make such treaty; and he, according to the custom formerly adopted by the Ministers of the United States, employed Mr. Donaldson, who made a treaty on those terms, which treaty the Senate did afterwards ratify.

The President and Senate agreed on a compact which they were willing to make with the Dey of Algiers, and the Senate authorized the President to execute it, and for this purpose he employed Colonel Humphreys, an officer of the United States, whom the Senate had approved as a public Minister at the Court of Madrid. He received no new appointment, and no additional emolument, but a commission or power to carry into effect that, which these two departments had agreed upon.

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I think it may be fairly presumed, that the gentleman, who cited these cases, will not, on reflection, conclude that they form any precedent to justify President Madison's issuing the three commissions in April last, to Messrs. Gallatin, Adams, and Bayard.

The case cited of Mr. Morris, is that of a person holding no public character, but merely a private agent to confer with, and learn from gentlemen of distinction in England, whether the Government of that country was disposed to settle the differences subsisting between the two, and for this purpose to exchange Ministers. He had no letters of credence, commission, power or authority whatever, whereby he could bind the nation.

With respect to precedents in the time of Mr. Jefferson, the gentleman who adduced them supposed they would not weigh much in my mind. As regards them, and the very few that are quoted to have occurred in the Administration of Mr. Adams, I make no remark, except that if the Constitution be yet considered superior to the Government, and if the construction I have given of it be just, and it appears to me unavoidable, precedents of this kind, however numerous, by whomsoever introduced, and by whatever motives they were suffered to pass, cannot be of the smallest avail.

A mode of construction has been adopted by some gentlemen, in order to defend and support the power of the President, that cannot fail of creating just alarm in the mind of every one attached to the Constitution of his country, and who supposes its liberties depend in any degree on an observance of the provisions of that instrument.

It is said the Constitution consists of general phrases, and must receive a construction according to expediency or necessity, supposed to exist by those who claim the power.

"As the powers of the Federal Government are defined, powers inherent, implied or expedient, are obviously the creatures of ambition. The care expended in defining powers, would otherwise have been superfluous. Powers extracted from such sources will be indefinitely multiplied by the aid of armies and patronage, which, with the impossibility of controlling them by any demarcation, would presently terminate reasoning, and ultimately swallow up the State sovereignties." This is the doctrine of the great State of Virginia, as declared to the world in the year 1799. That powerful Commonwealth, which has afforded to the United States almost all the precedents as well as most of the axioms and political creeds that regulate our faith and rule our destinies, further expresses its deep regret, "That a spirit has in sundry instances been manifested by the Federal Government to enlarge its powers, by forced constructions of the Constitutional charter which defines them, and that indications have appeared of a design to expound certain general phrases, so as to destroy the meaning and effect of the particular enumeration, which necessarily explains and limits the phrases, so as to consoli-

date the States by degrees into one sovereignty; the obvious tendency of which would be to transform the present republican system of the United States into an absolute or at best a mixed monarchy."

The general phrase which alone can apply to the President, is that which says, the Executive power shall be vested in a President of the United States of America.

The Government and its various Departments possess all the powers that are granted to them by this Constitution, and all incidental powers necessary to carry into execution powers expressly granted. All general phrases are defined and limited by the particular enumeration of powers which would otherwise have been embraced by the general phrases. The power to appoint Ambassadors and other public Ministers, which might have been included in the declaration that vests the Executive power in a President of the United States of America, is unquestionably limited by that section, which enumerates the offices and defines the manner in which officers shall be appointed.

The President shall be Commander-in-Chief of the Army and Navy of the United States. His power of appointment under this general grant is also limited by the manner in which this authority is ordered to be exercised.

If this principle be not true, the whole enumeration and definition of powers granted by the Constitution are absolutely superfluous.

We are told that necessity may be pleaded for the exercise of the power claimed by the President. There never was a Government that was less authorized to make a plea of this kind than the present, for it seems to be a matter of perfect ease to procure any amendment or alteration that the dominant party may think advisable. And notwithstanding all that we have heard of the expediency and necessity of this power being exclusively in the President, we have never known of any material inconvenience during the very critical times in which General Washington and Mr. Adams administered the Government, from an observance of the provisions of the Constitution.

Difficulties are suggested in the case of an armistice or truce being proposed or intended, when the Senate is not in session. The President has, in his capacity of Commander-in-Chief of the Army and Navy, an unquestioned right to negotiate and settle a truce. This is necessary to carry into execution his functions as supreme Commander of the military force of the nation, and it is not limited or defined by any provision of the instrument.

The case of Admiral Warren's proposal to negotiate, is mentioned as involving difficulties, if the President had chosen to listen to any offers of peace. The statute, however, which creates the Department of State, authorizes the principal officer of that Department to execute such duties relative to negotiations with public Ministers from foreign States or Princes. Indeed the Secretary of State did in fact act and correspond with, and offered to negotiate with Admiral Warren.

So that all the cases which have happened, and which were supposed to involve difficulties of magnitude, according to the meaning of the Constitutional provisions, are all provided for, and the difficulties are imaginary—neither necessity nor even expediency have as yet required any other power than what is granted according to the plain sense of the instrument. Necessity always authorizes what it requires—but it will not be asserted that the appointment under the offered mediation of Russia was necessary, as the mission itself was wholly useless. But gentlemen assume a latitude of construction for which they have not the smallest authority. They argue from what their imaginations suggest ought to be in the Constitution that it really is there by construction.

If any particular power be claimed by the Government, or any Department thereof, the only way to ascertain if it can be lawfully exercised, is to examine if it be expressly granted by the Constitution—if not, whether it be necessary to carry into execution any express power that is granted. If the power cannot be found under either of these heads, it does not exist, and responsibility rests upon the Government. They are not answerable for mischiefs that flow from a want of power, which the people did not choose to delegate. But there is no reason to believe that any such mischiefs are to be apprehended.

What powers it would be expedient or proper for the Government to possess, is one question totally distinct from that which asks what powers it does possess; and the latter is the only one which those who administer the Government have a right to make in order to regulate their conduct. The first is settled by the Convention of 1787, and the Congress of the same year, and by the States who accepted and ratified the Constitution proposed by the Convention of Philadelphia. The other must be decided by the plain import of the words of the Constitution.

One time we are told the President is weak in power, and requires strengthening at our hands; but in the course of half an hour's speech, he becomes possessed of terrific authorities which transcend imagination, and it is said the circumstances of the times are changed, and that the Constitution is to be construed according to these changes, and especially according to the great and passing events of Europe; and I am most triumphantly asked what could be done under the construction of the powers of the Government as stated with respect to the Congress of Mannheim; and I might also be asked what in respect to the Congress of Prague, or the Congress of Chatillon. I confess, sir, these hints suggest to my mind new doubts and new apprehensions. I have seen that the Emperor of France took, or rather continued his care of us last June, and proposed our mingling the affairs of the United States with those of all Europe, in the Congress of Prague. And are the five American Ministers, instead of being sent to treat either directly with England as approved here, or as formerly pretended under the mediation of Russia, now to follow the fortunes of France, and to com-

plicate our affairs with her's? To this the Senate has not assented, and if the power claimed by the President is to be thus exercised, it would not to my mind be any recommendation of this mode of construction. If this doctrine be maintained, it would seem that the Constitution is to be construed not according to the intention and meaning of the instrument, but according to the events of convulsed Europe, the rise and fall of nations, the victory and defeat of armies on the great continent; and the powers of the President are to be moulded and fashioned, not even according to his will, nor that of one multitudinous diplomacy in Europe, but according to the vicissitudes of human affairs there, and the estimate which fallible men may make of them. Surely then, the Federal compact, instead of being the palladium of our rights, is a model of wax, subject to be reshaped by the rudest hands and the most changeable events of the old as well as the New World.

The President intimates no necessity or urgent expediency as an excuse for this appointment. He commissions these gentlemen to act without any regard to the Senate, or any limitation in time of the commission of the Ministers—and if it is asked why was it necessary that the Constitutional limitation should be inserted in the commission; the answer is obvious, viz: that the nation with whom they were to treat might know the extent of their authority. It is a conclusive argument against the commissioning these Envoys without the advice and consent of the Senate, that any commission which the President had the smallest color of right for issuing, must necessarily have been of no validity before they could possibly act under it; there being a moral certainty that the session of the Senate succeeding the recess in which they were commissioned, would have ended before even their arrival at the intended scene of their operations; and by the time they came to act, if it was ever expected they would or could act, their commission would be of no avail, and they would have no more power to negotiate than any individual who walked the streets of St. Petersburg. This is a striking evidence of the consequences of promptitude of action, the benefits of which are presumed to justify any construction that the Executive may choose to adopt.

The other two commissions which the President was pleased to issue to these gentlemen, are in the same terms as to the extent of their power on the subject of trade with Great Britain and Russia, and no one has pretended there was the smallest occasion for haste on these two negotiations. They entirely disregard the Senate, as though they were no more entitled to a voice in the appointment than any stranger to the Government.

The necessity now pretended in argument, is perfectly idle; and a case more perfectly free from any reason or apology than the one which has given rise to these resolutions cannot be well imagined.

The proposed mediation was officially made

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on the 8th day of March, it was informally made in February—the Senate was to convene on the 25th May following, the Ministers were commissioned on the 17th of April. If any circumstance in the President's mind required a departure of the Envoys before the day when the Senate was to assemble, there was time enough to summon the Senate seasonably to meet this urgency, after he knew and accepted the mediation; and beside this particular business, there were a great many appointments, which he was authorized to make in the recess, and which were to be submitted to the Senate at their next session; that their time might have been fully occupied before the other House would have met according to the time of adjournment.

Further: the precipitancy of these appointments, which so unfortunately took place in this case, cannot fail, when we reflect upon the result, of being matter of deep regret to every man who feels the honor of the country.

The Emperor of Russia offered his mediation, without any intimation that Great Britain had or would accede to it.

It is the practice of all nations not to accept a mediation otherwise than by a convention negotiated, concluded and signed, which shall determine for what end, upon what object, and in what manner it shall be exercised.

The Emperor of France, the last Summer, when his fortunes appeared at their lowest ebb, when he was assailed by the combined force of the most powerful nations, and had reason to tremble for the safety of all his dominions, received an offer of mediation from his potent friend and ally the Emperor of Austria. At this dreadful crisis of his affairs, he declined this much desired mediation, which seemed to offer the best prospect of relief, until such a convention should be negotiated, concluded and signed, with all the necessary stipulations; and the Court of Vienna immediately furnished a person with instructions and powers to negotiate, conclude and sign a convention relative to the mediation which she offered.

On the part of the United States, so soon as a mediation was offered by the ally of England, the President instantly accepted it, without any stipulation of the end, the object, or the manner of exercising such mediation, for the avowed purpose of terminating a war, which only nine months before we had most rashly commenced. We then sue to a British admiral, who blockades our ports, for permission to send the most distinguished officers of our Government to the frozen regions of the North, there to hope for some sort of aid from the most intimate ally of Great Britain, in conciliating his master to grant us that peace which only six months before, when tendered at our own doors, was spurned at, and rejected with disdain. Nine months after this premature acceptance of the mediation, and not before, we are indebted to our proud enemy for the knowledge, that she would not treat with Envoys under this offered mediation, and that she had declined the proposal of Russia. Who is there that does not feel that the honor of the nation has

been tarnished, that its character has been soiled in the face of the world? All this we have suffered without attaining the smallest benefit. The degradation which the nation has borne is the only consequence of that boasted promptitude of action, which was to justify this total disregard of the rights of the States, and the privileges of the Senate.

I have endeavored to answer the objections which have been made to my understanding of the Constitution, and also to demonstrate, that the reasons which are offered to justify this act of the President are totally unfounded, and cannot be admitted by any who feel bound to administer the Constitution according to its obvious sense and meaning.

In days past, when the revenues of the country were small, its officers few, the Army of the United States not a tenth part of what it now is, and the patronage of the Executive might be considered paltry indeed to what now exists, and the powers of the President limited by the strict letter of the Constitution, great fears were entertained and expressed of the Republic being subverted, and a monarchy instituted in its stead.

Without attempting to excite apprehensions by any suggestions of my own, I take the liberty to ask gentlemen to reflect on the state of the Government in those days and in these, and then to read the observations of the Commonwealth of Virginia, in the address of their Legislature, made in January, 1799, and sanctioned, if not written by Mr. Madison, then a member of that Legislature:

"If measures can mould governments, and if an uncontrolled power of construction is surrendered to those who administer them, their progress may be easily seen, and their end easily foretold. A lover of monarchy, who opens the treasury of corruption by distributing emoluments among devoted partisans, may at the same time be approaching his object and deluding the people with professions of republicanism. He may confound monarchy and republicanism by the art of definition. He may varnish over the dexterity which ambition never fails to display, with the pliancy of language, the seduction of expediency, or the prejudices of the times. Measures have already been adopted which may lead to these consequences. They consist in fiscal systems and arrangements, which keep an host of commercial and wealthy individuals embodied, and obedient to the mandates of the Treasury. In armies and navies, which will, on the one hand, enlist the tendency of man to pay homage to his fellow creatures, who can feed or honor him, and on the other, employ the principle of fear, by punishing imaginary insurrection, under the pretext of preventive justice. In the extensive establishment of a volunteer militia, rallied together by a political creed, armed and officered by the Executive power, so as to deprive the States of their Constitutional right to appoint militia officers, and to place the great bulk of the people in a defenceless situation. In swarms of officers, civil and military, who can inculcate po-

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'litical tenets tending to consolidation and monarchy, both by indulgences and severities, and can act as spies over the free exercise of human reason. In transferring to the Executive important legislative powers, particularly the power of raising armies, and borrowing money without limitation of interest. In establishing by successive precedents, such a mode of construing the Constitution, as will rapidly remove every restraint upon federal power. Let history be consulted; let the man of experience reflect, nay let the artificers of monarchy be asked, what further materials they can need for building up their favorite system."

When Mr. GORE had concluded, the further consideration of the motion was postponed until the first Monday in December next.

WEDNESDAY, April 13.

Mr. SMITH, from the Committee on Military Affairs, to whom was referred the bill, entitled "An act supplementary to an act, entitled 'An act to provide for the widows and orphans of the militia slain, and for the militia disabled in the service of the United States,'" reported, that the bill involves principles requiring more consideration than can be conveniently afforded during the present session; and therefore recommend that the further consideration thereof be postponed to the next session of Congress.

Mr. BROWN, from the committee to whom was referred the bill, entitled "An act supplementary to an act, entitled 'An act for ascertaining the titles and claims to lands in that part of Louisiana which lies east of the Mississippi and island of New Orleans,'" reported it without amendment.

Mr. BROWN, from the same committee, to whom was referred the bill, entitled "An act to grant donation rights to certain claimants of land in the State of Louisiana," reported it without amendment.

Mr. BROWN, from the same committee, to whom was referred the bill, entitled "An act to authorize the subdivision of quarter sections of land of the United States," reported it amended.

The bill, entitled "An act granting pensions to the officers and seamen serving on board the revenue cutters, in certain cases," was read the second time, and referred to the Committee on Naval Affairs, to consider and report thereon.

The bill, entitled "An act authorizing the President to cause certain parts of the coast of the United States to be surveyed," was read the second time.

The bill, entitled "An act concerning certificates of confirmation of claims to lands in the State of Louisiana," was read the second time, and referred to the committee appointed the 4th of February, on the memorial of Thomas Cooper and others, to consider and report thereon.

Mr. DANA, from the committee to whom was referred the bill concerning evidences of naturalization, reported it without amendment.

The third reading of the bill for the relief of

James Lloyd was resumed, and the remaining blank filled with "2,500."

Resolved, That this bill pass, and that the title thereof be "An act for the relief of James Lloyd."

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act confirming certain claims to land in the Illinois Territory, and providing for their location," together with the amendments reported thereto by the select committee; and, on motion, by Mr. KING, the further consideration thereof was postponed to the first Monday in December next, the Senate being equally divided, the PRESIDENT determined the question in the affirmative.

On motion, by Mr. TURNER, one of the majority, it was agreed to reconsider the last vote; and, on the question, Shall this bill be postponed to the first Monday in December next, it was determined in the negative—yeas 9, nays 11, as follows:

YEAS—Messrs. Daggett, Gilman, Goldsborough, Gore, Hunter, King, Lambert, Mason, and Varnum.

NAYS—Messrs. Anderson, Bibb of Georgia, Brown, Chace, Fromentin, Lacock, Morrow, Smith, Turner, Wharton, and Worthington.

And the consideration of the bill, together with the amendments, were resumed, as in Committee of the Whole; and, the amendments having been agreed to, the PRESIDENT reported the bill to the House accordingly.

On the question. Shall the amendments be engrossed and the bill read a third time as amended? it was determined in the affirmative.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act for the relief of Stephen Girard;" and, on motion, that the further consideration thereof be postponed to the first Monday in December next, it was determined in the affirmative—yeas 11, nays 10, as follows:

YEAS—Messrs. Daggett, Dana, Gilman, Goldsborough, Gore, Hunter, King, Lambert, Mason, Varnum, and Wells.

NAYS—Messrs. Anderson, Bibb of Georgia, Chace, Howell, Lacock, Morrow, Roberts, Turner, Wharton, and Worthington.

The Senate resumed, as in Committee of the Whole, the consideration of the resolution for increasing the compensation of the messengers of the Senate; and the resolution was amended, and ordered to be engrossed and read a third time as amended; and, on motion, it was agreed, by unanimous consent, that the resolution be read a third time this day. The resolution was read a third time and passed, as follows:

Resolved, That Robert Tweedy, Benjamin G. Bowen, and Tobias Simpson, assistants to the Sergeant-at-Arms and Doorkeeper of the Senate, be paid out of the contingent fund two dollars a day for each day they may have attended the Senate during the present session of Congress; and that Charles Tims be allowed seventy-five dollars for his attendance during the present session.

Mr. DANA reported, from the committee to whom was referred the memorial of James Hillhouse,

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commissioner of the school fund of the State of Connecticut, and others, that it is inexpedient to act on the subject at the present session; and, on his motion, the committee was discharged.

A message from the House of Representatives informed the Senate that they have passed a bill, entitled "An act for the relief of Arch'd McCall;" a bill, entitled "An act incorporating the Columbian Manufacturing Company of Alexandria, in the District of Columbia;" also a bill, entitled "An act to authorize the President of the United States to accept the service of volunteers who may associate and organize themselves for the defence of the United States;" in which bills they request the concurrence of the Senate.

The three bills last brought up for concurrence were read, and passed to the second reading.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act for the relief of Henry Malcolm;" and the further consideration thereof was postponed to the first Monday in December next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill in further addition to an act, entitled "An act more effectually to provide for the national defence, by establishing a uniform militia throughout the United States;" and no amendment having been proposed, the bill was ordered to be engrossed and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act in addition to the act, entitled 'An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes,'" and the bill having been amended, on motion, by Mr. GILES, the further consideration thereof was postponed to, and made the order of the day for, to-morrow.

TUESDAY, April 14.

On motion, by Mr. GOLDSBOROUGH,

Resolved, That the President of the United States be requested to lay before Congress a statement of the several sums of money paid out of the Treasury of the United States, since the commencement of the present war, for the services of the militia of the respective States or Territories, previously ordered out by the Governors of the same, or by any other State or Territorial authority, without the direction of the President; specifying the particular State or Territory, and the amount to each.

The bill, entitled "An act to authorize the President of the United States to accept the service of volunteers who may associate and organize themselves for the defence of the United States," was read the second time, and referred to the Committee on Military Affairs, to consider and report thereon.

The bill, entitled "An act for the relief of Archibald McCall," was read the second time, and referred to the Committee on Foreign Relations, to consider and report thereon.

The bill, entitled "An act incorporating the Columbian Manufacturing Company of Alexandria, in the District of Columbia," was read the second time, and referred to a select committee, to consider and report thereon. And Messrs. GOLDSBOROUGH, GILES, and GILMAN, were appointed the committee.

The bill in further addition to an act, entitled "An act more effectually to provide for the national defence by establishing a uniform militia throughout the United States," was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to lessen the compensation for marshals, clerks, and attorneys, therein mentioned; and the bill having been amended, the President reported it to the House accordingly; and it was ordered to be engrossed, and read a third time as amended.

The Senate resumed, as in Committee of the Whole, the consideration of the bill entitled "An act in addition to the act, entitled 'An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes.'" On motion, by Mr. GERMAN, to strike out the tenth section of the bill, amended as follows:

"SEC. 10. *And be it further enacted*, That the expenses incurred, or to be incurred, by marching the militia of any State or Territory of the United States to their places of rendezvous, in pursuance of a requisition of the President of the United States, or which shall have been or may be incurred in cases of calls made by the authority of any State or Territory, which shall have been or may be approved by him, shall be adjusted and paid in like manner as the expenses incurred after the arrival at such place of rendezvous, on the requisition of the President of the United States: *Provided*, That nothing herein contained shall be considered as authorizing any species of expenditure previous to arriving at the place of rendezvous, which is not provided by existing laws to be paid for after their arrival at such place of rendezvous."

It was determined in the negative—yeas 8, nays 17, as follows:

YEAS—Messrs. Bibb of Kentucky, Bibb of Georgia, German, Gilman, Howell, Lambert, Mason, and Stone.

NAYS—Messrs. Anderson, Chace, Condit, Daggett, Fromentin, Giles, Goldsborough, Horsey, Hunter, Lacock, Morrow, Roberts, Robinson, Smith, Varnum, Wharton, and Worthington.

On motion, by Mr. BIBB of Kentucky, to strike out, of section 10, lines 5, 6, 7, the following words, "or which shall have been, or may be incurred, in cases of calls made by the authority of any State or Territory, which shall have been or may be approved by him," it was determined in the negative—yeas 11, nays 15, as follows:

YEAS—Messrs. Bibb of Kentucky, Bibb of Georgia, Chace, German, Gilman, Howell, King, Lambert, Mason, Stone, and Worthington.

NAYS—Messrs. Anderson, Condit, Daggett, Fromentin, Giles, Goldsborough, Horsey, Hunter, Lacock, Morrow, Roberts, Robinson, Smith, Varnum, and Wharton.

And the bill having been further amended, the

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President reported it to the House accordingly. And on the question, Shall the amendments be engrossed, and the bill be read a third time as amended? it was determined in the affirmative.

The amendments to the bill, entitled "An act confirming certain claims to land in the Illinois Territory, and providing for their location," having been reported correct, the bill was read a third time as amended, and passed.

The bill to lessen the compensation for marshals, clerks, and attorneys, therein mentioned, having been reported by the committee correctly engrossed, was read a third time by unanimous consent, and passed.

A message from the House of Representatives informed the Senate that the House concur in the bill, entitled "An act authorizing an augmentation of the marine corps, and for other purposes," with an amendment; in which they request the concurrence of the Senate. They have passed a bill, entitled "An act allowing compensation for horses owned by militia or volunteers, and killed or lost in the service of the United States;" also, a bill, entitled "An act authorizing the purchase of the vessels captured on Lake Erie;" in which bills they request the concurrence of the Senate.

The Senate resumed, as in Committee of the Whole, the consideration of the bill creating the office of Comptroller of the War and Navy Departments; and, after debate, adjourned.

FRIDAY, April 15.

Mr. MORROW, from the Committee on Naval Affairs, reported the bill, entitled, "An act granting pensions to the officers and seamen serving on board the revenue cutters, in certain cases," amended.

The two bills brought up yesterday for concurrence were read, and passed to the second reading.

The bill, entitled "An act authorizing the purchase of the vessels captured on Lake Erie," was read the second time by unanimous consent, and referred to the Committee on Naval Affairs, to consider and report thereon.

The Senate took into consideration the amendment of the House of Representatives to the bill, entitled "An act authorizing an augmentation of the marine corps;" and concurred therein.

On motion, by Mr. GILES, the committee appointed to inquire into the expediency of establishing permanent rules for regulating and conducting the printing and supply of stationery for the Senate and House of Representatives, were discharged from the further consideration thereof.

The bill, entitled "An act making additional appropriations for the service of the year, 1814," was read the second time by unanimous consent; and referred to the Committee on Naval Affairs, to consider and report thereon.

A message from the House of Representatives informed the Senate that they have passed a bill, entitled, "An act to amend the act laying duties on licenses to retailers of wines, liquors, and foreign merchandise, and for other purposes;" also,

a bill, entitled "An act making additional appropriations for the service of the year one thousand eight hundred and fourteen;" in which bills they request the concurrence of the Senate.

The two bills last mentioned were read and passed to the second reading.

The bill, entitled "An act to amend the act laying duties on licenses to retailers of wines, spirituous liquors, and foreign merchandise, and for other purposes," was read the second time by unanimous consent, and referred to a select committee to consider and report thereon; and Messrs. KING, ROBERTS, and SMITH, were appointed the committee.

Mr. BIBB, of Georgia, from the Committee on Foreign Relations, to whom was referred the bill, entitled "An act for the relief of Archibald McCall," reported it without amendment; and the bill was considered as in Committee of the Whole; and, no amendment having been proposed, it was ordered to a third reading.

On motion, by Mr. ROBINSON, the Committee of Foreign Relations were instructed to inquire into the expediency of prohibiting by law the exportation and transportation of sheep from the United States, with leave to report by bill or otherwise.

The amendments to the bill, entitled "An act in addition to the act, entitled 'An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes,' having been reported by the committee correctly engrossed, the bill was read a third time as amended.

On motion, by Mr. BIBB of Kentucky, that the bill be referred to a committee further to consider and report thereon, it was determined in the negative.

On the question, Shall this bill pass as amended? it was determined in the affirmative—yeas 16, nays 14, as follows:

YEAS—Messrs. Anderson, Bibb of Kentucky, Brown, Chace, Condit, Fromentin, Giles, Howell, Lacock, Morrow, Roberts, Robinson, Smith, Varnum, Wharton, and Worthington.

NAYS—Messrs. Bibb of Georgia, Daggett, Dana, German, Gilman, Goldsborough, Horsey, Hunter, King, Lambert, Mason, Stone, Tait, and Turner.

So it was resolved that this bill pass with amendments.

The Senate resumed, as in Committee of the Whole, the consideration of the bill creating the office of Comptroller for the War and Navy Departments; and, sundry amendments having been agreed to, the President reported the bill accordingly.

On the question, Shall this bill be engrossed and read a third time? it was determined in the affirmative—yeas 14, nays 12, as follows:

YEAS—Messrs. Anderson, Bibb of Kentucky, Bibb of Georgia, Chace, Condit, Howell, Lacock, Morrow, Roberts, Smith, Tait, Turner, Wharton, and Worthington.

NAYS—Messrs. Daggett, Dana, Fromentin, German,

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Gilman, Goldsborough, Gore, King, Lambert, Mason, Stone, and Varnum.

Mr. GOLDSBOROUGH, from the committee to whom was referred the bill, entitled "An act incorporating the Columbian Manufacturing Company of Alexandria, in the District of Columbia," reported it amended.

Mr. WORTHINGTON, from the Committee on Military Affairs, to whom was referred the bill, entitled "An act to authorize the President of the United States to accept the service of volunteers who may associate and organize themselves for the defence of the United States," reported it without amendment.

SATURDAY, April 16.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act concerning the pay of officers, seamen, and marines, in the Navy of the United States," together with the amendment reported thereto by the select committee; and the amendment having been agreed to with an amendment, the PRESIDENT reported the bill to the House accordingly.

On the question, Shall the amendments be engrossed and the bill read a third time as amended? it was determined in the affirmative.

The amendments to the bill last mentioned having been reported by the committee correctly engrossed, the bill was read a third time as amended, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act granting pensions to the officers and seamen serving on board revenue cutters in certain cases," and the bill having been amended, the PRESIDENT reported it to the House accordingly.

On the question, Shall the amendment be engrossed and the bill read a third time as amended? it was determined in the affirmative.

The amendment to the bill last mentioned having been reported by the committee correctly engrossed, the bill was read a third time as amended by unanimous consent, and passed with an amendment.

Mr. TARR, from the Committee on Naval Affairs, to whom was referred the bill, entitled "An act making additional appropriations for the service of the year 1814," reported it with amendments, which were considered as in Committee of the Whole and agreed to; and, on motion, by Mr. SMITH, the bill was further amended, and the PRESIDENT reported it to the House accordingly.

On the question, Shall the amendments be engrossed and read a third time as amended? it was determined in the affirmative; and it was agreed, by unanimous consent, that the bill be read a third time this day.

The bill creating the office of Comptroller of the War and Navy Departments, having been reported by the committee correctly engrossed, was read a third time, and laid on the table.

Mr. KING, from the committee to whom was referred the bill, entitled "An act to amend the act laying duties on licenses to retailers of wines,

spirituous liquors, and foreign merchandise, and for other purposes," reported it without amendment.

Mr. BROWN, from the committee to whom was referred the bill, entitled "An act concerning certificates of confirmation to lands in the State of Louisiana," reported it amended.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to alter and establish certain post roads," together with the amendments reported thereto by the select committee; and, having agreed to the amendments with further amendments, the PRESIDENT reported the bill to the House accordingly.

On the question, Shall the amendments be engrossed and the bill read a third time as amended? it was determined in the affirmative. The bill was read a third time as amended by unanimous consent, and passed.

The bill, entitled "An act for the relief of Archibald McCall," was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act fixing the time for the next meeting of Congress."

On motion, by Mr. BISS of Georgia, to strike out "last Monday," and insert "second Monday;" the Senate being equally divided, the PRESIDENT determined the question in the negative.

On his motion, to strike out "last," and insert "third," the Senate being equally divided, the PRESIDENT determined the question in the negative; and, no further amendment having been proposed, the bill was ordered to the third reading. The bill was then read a third time by unanimous consent, and passed.

A message from the House of Representatives informed the Senate that the House concur in the bill, entitled "An act fixing the salary of the Paymaster of the Army, and allowing a sum for the employment of additional clerks in his office for the year 1814, and providing for the appointment of Assistant District Paymasters," with amendments; in which they request the concurrence of the Senate. They also concur in the bill, entitled "An act in further addition to an act, entitled 'An act more effectually to provide for the national defence by establishing an uniform militia throughout the United States,' with amendments; in which they request the concurrence of the Senate. They have passed a bill, entitled "An act to establish the permanent residence of the Attorney General of the United States at the seat of the General Government;" a bill, entitled "An act for the relief of John D. Hay;" also, a bill, entitled "An act for the relief of George Hamilton;" in which bills they request the concurrence of the Senate.

The three bills last mentioned were read, and passed to the second reading.

The Senate took into consideration the amendments of the House of Representatives to the bill, entitled "An act fixing the salary of the Paymaster of the Army, and allowing a sum for the employment of additional clerks in his office for the

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year 1814, and providing for the appointment of Assistant District Paymasters," and concurred therein.

The Senate proceeded to consider the amendments to the bill, entitled "An act in further addition to an act, entitled 'An act more effectually to provide for the national defence by establishing a uniform militia throughout the United States,'" and concurred therein.

Mr. FROMENTIN, from the Committee on Naval Affairs, to whom was referred the bill, entitled "An act authorizing the purchase of the vessels captured on Lake Erie," reported it with an amendment, which was considered as in Committee of the Whole, and agreed to, and the PRESIDENT reported the bill to the House accordingly.

On the question, Shall the amendment be engrossed and the bill read a third time as amended? it was determined in the affirmative. The bill was then read a third time as amended by unanimous consent, and passed with an amendment.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of John P. Williamson and Thomas Rice;" and, no amendment having been proposed, the bill was ordered to a third reading. The bill was then read a third time by unanimous consent, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of Augustus McKinney and Lazell Bancroft;" and, no amendment having been proposed, the bill was ordered to a third reading. The bill was then read a third time by unanimous consent, and passed.

A message from the House of Representatives informed the Senate that they have passed a bill, entitled "An act for the relief of John Whitney and Joseph H. Dorr," in which they request the concurrence of the Senate.

The bill last mentioned was read, and passed to the second reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of Jarvis Cutler;" and, no amendment having been proposed, the bill was ordered to a third reading. The bill was then read a third time by unanimous consent, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act concerning invalid pensioners;" and the bill having been amended, the President reported it to the House accordingly.

On the question, Shall the amendments be engrossed, and the bill be read a third time as amended? it was determined in the affirmative; and it was agreed, by unanimous consent, that the bill be read a third time this day.

RETALIATION.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

I transmit to the Senate a report of the Secretary of

State, complying with their resolutions of the 2d of February and 9th of March.

APRIL 16, 1814.

JAMES MADISON.

The following is the report:

The Secretary of State, to whom was referred several resolutions of the Senate of the 2d of February and 9th of March last, has the honor to submit to the President the following report:

Although these resolutions are of different dates, and refer to subjects in some respects distinct in their nature, yet, as they are connected in others of considerable importance, which bear essentially on the conduct of the parties in the present war, it is thought proper to comprise them in the same report.

The first of those resolutions calls for the names of the individuals who were selected from the American prisoners of war and sent to Great Britain for trial; their places of residence in the United States; the times when and the courts by which they were admitted to become citizens; the regiments to which they belong; when and where they were taken; with copies of any official correspondence respecting the treatment of prisoners of war, and of any orders for retaliation on either side.

The other resolutions request information of the conduct of Great Britain towards her native subjects, taken in arms against her, and of the general practice of the nations of Europe relative to naturalization, and the employment in war, each, of the subjects of the other; of the cases, with their circumstances, in which any civilized nation has punished its native subjects taken in arms against it, for which punishment retaliation was inflicted by the nation in whose service they were taken. And, lastly, under what circumstances and on what grounds Great Britain has refused to discharge native citizens of the United States impressed into her service; and what has been her conduct towards American seamen on board her ships of war, at and since the commencement of the present war with the United States.

The paper marked A contains the names of the American prisoners who were sent to England for trial by the British commander in Canada; of the corps to which they belong; of the times when and of the places where they were taken. Of their places of residence in the United States; of the times and the courts in which they were admitted to become citizens, there is no evidence in this Department, nor is there any to show whether they were naturalized or native citizens of the United States. This paper contains also a copy of the orders of both Governments for retaliation, and of the correspondence between their respective Commissaries concerning the treatment of prisoners.

The paper marked B states various grounds on which the British Government has refused to deliver up American seamen impressed into the British service, on the application of the agents of the United States, regularly authorized to demand them, with the correspondence relating to the same. It communicates, also, such information as this department has been able to obtain of the conduct of the British Government towards American seamen on board British ships of war, at and since the commencement of the present war. Among the causes assigned for their detention, the following are the most deserving of notice:

1. That they had no documents, or that their documents were irregular.

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2. That they were released from prison in Gottenburg.
3. That they were exchanged as British subjects.
4. Were said to be impostors.
5. To have married in England.
6. Did not answer the descriptions given of them in their protections.
7. Had attempted to desert.
8. Were sent into the service for smuggling.
9. Were not to be found on board of the ship stated.
10. Had voluntarily entered into the British service.
11. Were natives of foreign countries—Prussia, Sweden, Italy, &c.

It is probable that some of the seamen, whose discharges were demanded, may not have been native citizens of the United States, but very presumable that the greater part were. Indeed, the pretext assigned for their detention seems to admit it. Had they been native subjects of England, being there, their origin might have been traced. But that is the ground in few instances only. In urging that some had no protections, or that their protections were irregular; that others had been exchanged as British prisoners; were impostors; had attempted to desert; did not answer the protections given them; were natives of Prussia, Sweden, &c., it is fairly to be inferred that the public authority in England, to whom this duty is assigned, sought rather to evade the application than to justify the refusal. The pretext that some were natives of Prussia, Sweden, &c., deserves particular attention. On this circumstance the Secretary will remark only, that, in extending impressment in American vessels to persons who could not be mistaken for British subjects, and refusing to surrender them, on application, to the voluntary service from which they were taken, it is evident that the recovery of British seamen has not been the sole object of the practice.

By the report of the American Commissary of prisoners in England, it appears that a considerable number of our seamen had been transferred from British ships of war to prisons; that their exchange for British seamen taken in battle was demanded, in the first instance, but that that claim seems to have been since waived. It might have been expected that the British Government, on being satisfied that these men, or that any of them, were American citizens, would have liberated and sent them home at its own charge. They are, however, still held prisoners in confinement. That many of them, if not all, are native citizens, cannot be doubted, for had the proof not been irresistible, it cannot be presumed, while so many others are detained on board British ships of war, that these would have been exempted from that service. That many are still detained on board British ships of war may be fairly inferred, even without other evidence, from the indiscriminate manner of British impressment; from the distant service in which the men thus impressed are often necessarily employed, depriving their friends of an opportunity to communicate with them; and from the inconsiderable number discharged compared with that which has been demanded. Without relying altogether on the reports heretofore made to Congress by this Department, the letter of Commodore Rodgers, hereunto annexed, affords data from which an estimate may be formed. On this point, the correspondence between General Taylor and the Captain of the British ship the *Dragon*, and Commodore Decatur and the commander, *Capel*, deserve also par-

ticular attention. If the British Government would order a strict search to be made, through the British navy, for American seamen, it would then be seen how many of our native citizens have participated in the lot of the unfortunate men mentioned in the correspondence referred to.

The contrast which these documents present, in the pretensions and conduct of the United States, cannot fail to make a deep impression in favor of the latter. The British Government impresses into its Navy native citizens of the United States, and compels them to serve in it, and, in many instances, even to fight against their country, while it arrests as traitors and menaces with death persons suspected to be native British subjects, for having fought under our standard against British forces, although they had voluntarily entered into our Army after having emigrated to the United States and incorporated themselves into the American society. The United States, on the other hand, have forced no persons into their service, nor have they sought, nor are they disposed to punish, any who after having freely emigrated to any part of the British dominions and settled there, may have entered voluntarily into the British army.

The remaining inquiries relate to objects other than the immediate conduct of the parties in the present war. They demand information of the conduct of Great Britain, and of other Powers in past times, without limitation in the retrospect, in circumstances bearing on the question of retaliation. The information required relates to the following points:

1. The conduct of Great Britain and the other nations of Europe, as to naturalization, and the employment in war, each, of the subjects of the other.
2. As to the punishment of their native subjects taken in arms against them, in the service of other Powers.
3. Examples of retaliation by the latter in such cases.

These inquiries necessarily involve an extensive research into the history and jurisprudence of the nations of Europe. For so important a task the other duties of the Secretary of State have altogether disqualified him since the call was made. The approaching close of the session does not leave him time for more than the following observations:

That all the nations of Europe naturalize foreigners; that they all employ in their service the subjects of each other, and frequently against their native countries, even when not regularly naturalized; that they all allow their own subjects to emigrate to foreign countries; that, although examples may be found of the punishment of their native subjects taken in arms against them, the examples are few, and have either been marked by peculiar circumstances, taking them out of the controverted principle, or have proceeded from the passions or policy of the occasion. Even in prosecutions and convictions, having the latter origin, the final act of punishment has, with little exception, been prevented by a sense of equity and humanity, or a dread of retaliation. It is confidently believed that no instance can be found in which the alleged purposes of the enemy against the twenty-three prisoners in question, under all the circumstances which belong to their case, even though any of them may not have been regularly naturalized, are countenanced by the proceedings of any European nation; that, if no instances occur of retaliation in the few cases requiring it, or in any of them, by the Governments employing

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such persons, it has been, as is presumed, because the punishment which had been inflicted by the native country might be accounted for on some principle other than its denial of the right of emigration and naturalization. Had the Government employing the persons, so punished by their native country, retaliated in such cases, it might have incurred the reproach either of countenancing acknowledged crimes, or of following the example of the other party in acts of cruelty, exciting horror, rather than of fulfilling its pledge to innocent persons in support of rights fairly obtained, and sanctioned by the general opinion and practice of all the nations of Europe, ancient and modern.

All which is respectfully submitted.

JAMES MONROE.

DEPARTMENT OF STATE, April 14, 1814.

The Message and accompanying papers were read.

The Senate adjourned to 5 o'clock this evening.

Five o'clock in the evening.

The amendments to the bill, entitled "An act making additional appropriations for the service of the year 1814," having been reported correct, the bill was read a third time as amended, and passed.

On motion, the title was amended, as follows: "An act concerning the settlement of accounts of the War and Navy Departments, and making additional appropriations for the service of the year 1814."

The amendments to the bill, entitled "An act concerning invalid pensioners," having been reported correct, the bill was read a third time as amended, and passed.

The bill, entitled "An act for the relief of George Hamilton," was read the second time, and considered as in Committee of the Whole; and, no amendment having been proposed, the bill was ordered to a third reading. The bill was then read a third time by unanimous consent, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of Benjamin W. Crowninshield;" and, no amendment having been proposed, the bill was ordered to a third reading. The bill was then read a third time by unanimous consent, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of Dennis Clark;" and, no amendment having been proposed, the bill was ordered to a third reading. The bill was then read a third time by unanimous consent, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to amend the act laying duties on licenses to retailers of wines, spirituous liquors, and foreign merchandise, and for other purposes;" and, on motion, by Mr. KING, the bill was amended, and the President reported it to the House accordingly.

On the question, Shall the amendment be engrossed, and the bill read a third time as amend-

ed? it was determined in the affirmative. The bill was then read a third time as amended by unanimous consent, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act authorizing a subscription for the Laws of the United States, and for the distribution thereof;" and, no amendment having been proposed, the bill was ordered to a third reading. The bill was then read a third time by unanimous consent, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act concerning certificates of confirmation of claims to lands in the State of Louisiana," together with the amendments reported thereto by the select committee; and, having agreed to the amendments, the President reported the bill to the House accordingly.

On the question, Shall the amendments be engrossed, and the bill read a third time as amended? it was determined in the affirmative. The bill was then read a third time as amended by unanimous consent, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to provide for the collection and preservation of such flags, standards, and colors, as shall have been, or may hereafter be, taken by the land and naval forces of the United States from their enemies;" and, no amendment having been proposed, the bill was ordered to the third reading. The bill was then read a third time by unanimous consent, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill making an appropriation for repairing the President's house; and, on motion, by Mr. GERMAN, the bill was amended, and the President reported it to the House accordingly.

On the question, Shall this bill be engrossed and read a third time as amended? it was determined in the affirmative. The bill was then read a third time by unanimous consent, and passed.

A message from the House of Representatives informed the Senate that the House concur in the amendments of the Senate to the bill, entitled "An act to alter and establish certain post roads," with an amendment; in which they request the concurrence of the Senate.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act extending relief to certain purchasers of public lands in the Mississippi Territory;" and, no amendment having been proposed, the bill was ordered to a third reading. It was read a third time by unanimous consent, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to authorize the Secretary of State to liquidate certain claims therein mentioned; and, no amendment having been proposed, it was ordered to be engrossed and read a third time; and was read a third time by unanimous consent, and passed.

On motion, by Mr. BIBB of Georgia, the Message of the President of the United States and the

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accompanying documents, this day received, together with the resolutions which called for the information contained in the Message, were ordered to be printed.

Mr. BIBB, of Georgia, from the Committee on Foreign Relations, reported a bill to prohibit the exportation of specie, gold or silver coins, or bullion; and the bill was read and passed to the second reading. On motion that it now be read the second time, it was objected to as against the rule.

On motion, by Mr. BIBB of Georgia, to suspend the twelfth rule for conducting business in the Senate, the Senate being equally divided, yeas 12, nays 12, the President determined the question in the affirmative.

YEAS—Messrs. Bibb of Kentucky, Bibb of Georgia, Chace, Condit, German, Howell, Lacock, Morrow, Roberts, Tait, Varnum, and Wharton.

NAYS—Messrs. Anderson, Brown, Daggett, Dana, Gilman, Goldsborough, Gore, Hunter, King, Lambert, Mason, and Smith.

The bill was read the second time, and considered as in Committee of the Whole; and, on motion, by Mr. SMITH, the bill was amended, and the President reported it to the House accordingly.

On the question, Shall this bill be engrossed and read a third time? it was determined in the negative—yeas 12, nays 14, as follows:

YEAS—Messrs. Anderson, Bibb of Kentucky, Bibb of Georgia, Chace, Condit, Howell, Lacock, Morrow, Roberts, Robinson, Varnum, and Wharton.

NAYS—Messrs. Brown, Daggett, Dana, Fromentin, German, Gilman, Goldsborough, Gore, Hunter, King, Lacock, Mason, Smith, and Wells.

MONDAY, April 18.

On motion, by Mr. SMITH, the committee to whom was referred the memorial of the Justices of the Peace for the District of Columbia, was discharged from the further consideration thereof.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act supplemental to an act, entitled 'An act for ascertaining the titles and claims to lands in that part of Louisiana which lies east of the river Mississippi and island of New Orleans,'" and, no amendment having been proposed, the bill was ordered to a third reading. It was then read a third time by unanimous consent, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act allowing compensation for horses owned by militia or volunteers, and killed or lost in the service of the United States; and, no amendments having been proposed, the bill was ordered to the third reading. The bill was then read a third time by unanimous consent. On motion, by Mr. MASON, the further consideration thereof was postponed to the first Monday in December next.

On motion, by Mr. BIBB of Georgia, the Committee on Foreign Relations, to whom was referred the bill, entitled "An act to prohibit the ransoming of ships or vessels of the United States, and the goods or merchandise on board the same,

captured by the enemies thereof," were discharged from the further consideration thereof.

On his motion, the same committee, to whom was referred the memorial of C. A. Rodney and others, citizens of Delaware, praying a continuance of the embargo, were discharged from the further consideration thereof.

On motion, by Mr. GAILLARD, the Committee on Naval Affairs, to whom was referred the several petitions of John Brazier, of Boston, of Charles B. Cochran, of Charleston, South Carolina, and of George P. Stevenson, and others, of Baltimore, were discharged from the further consideration thereof.

Mr. GAILLARD asked and obtained leave to lay on the table a roll of the commissioned officers of the United States' marine corps.

The bill, entitled "An act for the relief of John Whitney and Joseph H. Dorr, was read the second time, and considered as in Committee of the Whole; and, no amendment having been proposed, it was ordered to a third reading, and was read a third time by unanimous consent, and passed.

The bill, entitled "An act for the relief of John D. Hay, was read the second time, and considered as in Committee of the Whole; and, no amendment having been proposed, it was ordered to a third reading, and was read a third time by unanimous consent, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the renewal of a land warrant to George Shannon;" and, the bill having been amended, the President reported it to the House accordingly.

On the question, Shall the amendment be engrossed and the bill read a third time as amended? it was determined in the affirmative. The bill was then read a third time, as amended, by unanimous consent, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to authorize the President of the United States to accept the service of volunteers who may associate and organize themselves for the defence of the United States;" and, no amendment having been proposed, the bill was ordered to a third reading. On motion, that the bill be now read a third time, it was objected to as against the rule.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to authorize the subdivision of the quarter sections of land of the United States, together with the amendment reported thereto by the select committee; and the amendment having been disagreed to, the President reported the bill to the House accordingly; and, no further amendment having been proposed, it was ordered to a third reading. The bill was then read a third time by unanimous consent; and, on motion, by Mr. KING, the further consideration thereof was postponed to the first Monday in December next.

A message from the House of Representatives

SENATE.

Retirement of the Vice President.

APRIL, 1814-

informed the Senate that they agree to the amendments adding sections 6 and 7, and disagree to all the other amendments of the Senate to the bill, entitled "An act making additional appropriations for the service of the year 1814." They have passed a bill, entitled "An act for the relief of John Pitchlyn;" in which bill they request the concurrence of the Senate.

The bill last mentioned was three times read by unanimous consent, and passed.

The Senate proceeded to consider their amendments disagreed to by the House of Representatives to the bill, entitled "An act making additional appropriations for the service of the year 1814." Whereupon,

Resolved, That they recede therefrom.

On motion, by Mr. FROMENTIN,

Resolved, That in future all the documents printed by order of either House of Congress, during each session, be bound together at the end of every session, and delivered to each member of the Senate.

On motion of Mr. SMITH, the bill concerning evidences in cases of naturalization, was postponed to the first Monday in December next.

Ordered, That the bill, entitled "An act supplementary to an act, entitled 'An act for the relief of the officers and soldiers who served in the late campaign on the Wabash,'" be postponed to the first Monday in December next.

Ordered, That the bill authorizing the Secretary of the Department of War to purchase of William Tatham military models and apparatus, and topographical charts, be postponed to the first Monday in December next.

On motion, by Mr. GOLDSBOROUGH, the bill, entitled "An act incorporating the Columbian Manufacturing Company of Alexandria, in the District of Columbia," was postponed to the first Monday in December next.

Ordered, That the bill, entitled "An act authorizing the appointment of agents for paying military pensions," be postponed to the first Monday in December next.

Ordered, That the further consideration of the bill, entitled "An act authorizing the Secretary of State, during the continuance of the present war, to make an additional allowance to the owners and masters of vessels, for bringing back to the United States destitute and distressed American seamen," be postponed to the first Monday in December next.

Ordered, That the further consideration of the bill, entitled "An act supplementary to an act, entitled 'An act to provide for the widows and orphans of militia slain, and for militia disabled in the service of the United States,'" be postponed to the first Monday in December next.

Ordered, That the further consideration of the bill, entitled "An act authorizing the President to cause certain parts of the coast of the United States to be surveyed," be postponed to the first Monday in December next.

A message from the House of Representatives informed the Senate that the House have passed a resolution for the appointment of a joint com-

mittee to wait on the President of the United States, and notify him of the intended recess, and have appointed a committee, on their part, in which they request the concurrence of the Senate.

The Senate proceeded to consider the resolution last mentioned, and concurred therein; and Messrs. ANDERSON and SMITH were appointed the committee on the part of the Senate.

On request, Mr. SMITH was excused; and Mr. WHARTON being the next highest on the ballot, was substituted in his place.

On motion, by Mr. GOLDSBOROUGH, the further consideration of the bill for the relief of Bowie and Kurtz, and others, was postponed to the first Monday in December next.

Ordered, That the further consideration of the bill to incorporate the stockholders of the Columbian Manufacturing Company, be postponed to the first Monday in December next.

Ordered, That the further consideration of the bill to grant donation rights to certain claimants of land in the State of Louisiana, be postponed to the first Monday in December next.

RETIREMENT OF THE VICE PRESIDENT.

The PRESIDENT having informed the Senate that they had passed on all matters, Legislative and Executive, on their files, and that nothing remained on his table, expressed a desire to be heard a few words, on what, by some gentlemen, was viewed in an interesting light.

He observed that, at the last session of Congress, several gentlemen of the Senate had intimated a wish that he would retire from the Chair two or three weeks before the time of adjournment, and would thus give to the Senate an opportunity for choosing a President *pro tempore*. That other gentlemen expressed a contrary desire, and thought that the President should remain in the Chair, and adjourn the Senate. That, in support of these propositions, precedents were urged on both sides. That, on considering the subject, the President had conceived, as a war existed and had produced a special session of Congress, he was differently circumstanced from any of his predecessors, and was under an obligation to remain in the Chair until the important business of the session was finished. At this period, an honorable member, who had favored an early retirement of the President, expressed an opinion, that it would be best for him to adjourn the Senate, and he adopted the measure. The President further observed that, during the present session, the subject had been revived, and had induced him cursorily to look into it; the result of which he would communicate to the Senate. He then proceeded to observe that the Constitution provides, "the Vice President of the United States shall be President of the Senate;" and that an act passed the 1st of March, 1792, "relative to the election of the President and Vice President," &c., in the ninth section, provides, "that in case of removal, death, resignation, or inability, both of the President and Vice President of the United States, the President of the Senate *pro tempore*; and in case there shall be no President of

APRIL, 1814.

Adjournment.

SENATE

the Senate, then the Speaker of the House of Representatives, for the time being, shall act as President of the United States, until the disability be removed, or a President shall be elected." If, then, he stated, it should happen that during any session, the President should die, the Vice President would fill the Chair of State, and the Senate would appoint a President *pro tempore*, who would succeed the Vice President, in case of his death, during the next ensuing recess of Congress. And the same would happen in case of the death of the Vice President, in any session, and of the President, in the next ensuing recess of Congress. But, if both the President and Vice President should die in any such recess, and the Vice President should have previously adjourned the Senate, then there would be no President *pro tempore*, and the Speaker of the House of Representatives would fill the Chair of Government, according to law. He further observed that, on this view of the subject, it might be said, that the Constitution did not contemplate the appointment of a President *pro tempore*, because the words being, "the Vice President of the United States shall," and not *may*, "be President of the Senate," are imperative, and leave no discretion on his part, to quit the Chair before he had adjourned the Senate. And that, in regard to the law, it having provided for the deficiency of a President *pro tempore*, favors the construction mentioned of the Constitution, and considers the Vice President as being under the necessity of remaining in the Chair until he shall have adjourned the Senate. That, on the other hand, may be urged, the high station and dignity of the Senate, resulting from its various important powers, and its other qualities, and establishing a claim, that an officer representing it should, in the events mentioned, succeed to the Chair of State. The law, also, giving a preference to the President *pro tempore*, when in competition with the Speaker, appears to establish a principle, which the practice of the Senate, under that law, has, in a certain degree, carried into effect; for, from the passing that act to the present time, there are but one or two instances in which the adjournment of the Senate has not been by a President *pro tempore*. As, then, the dignity of the Senate, its rights and privileges, (all of which the President conceived himself bound and was disposed to support,) seemed to be involved in the question of appointing, in each session of the Senate, a President *pro tempore* to adjourn it; and as it may also happen that there may be no Speaker, the Vice President said he should hereafter retire in time for the appointment of a President *pro tempore*. But he wished always to be understood, that this determination would be in

conformity with his sense of duty to the public, in respect to legislative proceedings; and that, on every occasion, he should retain his seat whilst any important bill or measure was pending, and was to be finished at that session.

Having made these observations, and others, in regard to his views of the obligatory nature of laws, on all persons in Government, on those who had opposed, and on those who had supported the laws, whilst pending as bills, as well as on the community at large, particularly alluding to the law which had declared war and increased his responsibility; and the tendency of a contrary conduct to prostrate the laws and Government; he said, if the Senate had no objection he would now retire, with an assurance that his best wishes would follow the Senate and every member of it; and his sincere hopes that, on their return to their homes, respectively, they would find their families and friends in health, and be happy in their affectionate interviews.

In the absence of the VICE PRESIDENT, on motion, by Mr. KING, the Senate proceeded to the choice of a President *pro tempore*, as the Constitution provides; and the HON. JOHN GAILLARD was elected.

Ordered, That the Secretary wait on the President of the United States, and acquaint him that the Senate have, in the absence of the VICE PRESIDENT, elected the HON. JOHN GAILLARD President of the Senate *pro tempore*.

Ordered, That the Secretary make a similar communication to the House of Representatives.

On motion, by Mr. BIBB of Kentucky,

Resolved by the Senate of the United States, That the sum of three hundred dollars be advanced, out of the contingent fund, to Mountjoy Bayly, an officer of this House, for his services during the current year.

Mr. WHARTON, from the committee, reported that they had waited on the President of the United States, who informed them that he had no further communication to make to the two Houses of Congress.

The Senate adjourned until five o'clock P. M.

Five o'clock in the Evening.

A message from the House of Representatives informed the Senate that the House, having finished the business before them, are about to adjourn.

Ordered, That the Secretary inform the House of Representatives that the Senate, having finished the legislative business before them, are about to adjourn.

Agreeably to the joint resolution, the PRESIDENT adjourned the Senate, to meet on the last Monday in October next.

PROCEEDINGS AND DEBATES

OF THE

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

AT THE SECOND SESSION OF THE THIRTEENTH CONGRESS, BEGUN AT THE CITY OF
WASHINGTON, MONDAY, DECEMBER 6, 1813.

MONDAY, December 6, 1813.

The SPEAKER (HON. HENRY CLAY, of Kentucky,) took the Chair at a few minutes after 12 o'clock.

Having stated the severe indisposition of the Clerk of the House, (P. MAGRUDER,) which disabled him from attending, the SPEAKER intimated that, if no objection was made to the procedure, the Assistant Clerk (Mr. G. MAGRUDER) would act until the Clerk should be sufficiently recovered to attend to his duty in the House.

No objection being made to the proposition, the Assistant Clerk proceeded to call over the roll by States; when it appeared that the following gentlemen were present:

From New Hampshire—Roger Vose.

From Massachusetts—William Baylies, Abijah Bigelow, Daniel Dewey, Levi Hubbard, Cyrus King, John Reed, Nathaniel Ruggles, and James Parker.

From Connecticut—Epaphroditus Champion, John Davenport, jr., Lyman Law, Jonathan O. Moseley, Timothy Pitkin, and Lewis B. Sturges.

From Vermont—William C. Bradley, Ezra Butler, Richard Skinner, and Charles Rich.

From New York—Daniel Avery, Oliver C. Comstock, Jonathan Fisk, James Geddes, Thos. P. Grosvenor, Moss Kent, John Lefferts, John Lovett, Jacob Markell, Morris S. Miller, Hosea Moffitt, Ebenezer Sage, William S. Smith, John W. Taylor, and Elisha I. Winter.

From New Jersey—Lewis Condict, William Cox, Jacob Hufty, James Schureman, Richard Stockton, and Thomas Ward.

From Pennsylvania—Wm. Anderson, David Bard, Robert Brown, John Conard, William Crawford, Roger Davis, William Findley, Hugh Glasgow, Isaac Griffin, Charles Jared Ingersoll, Samuel D. Ingham, Jared Irwin, Aaron Lyle, William Piper, Jonathan Roberts, Adam Seybert, Isaac Smith, Adamson Tannehill, and Thomas Wilson.

From Delaware—Thomas Cooper.

From Maryland—Stevenson Archer, Joseph Kent, Alexander McKim, Nicholas R. Moore, and Philip Stewart.

From Virginia—William A. Burwell, John Dawson, John W. Eppes, Thomas Gholson, Peterson Goodwyn, John P. Hungerford, John Kerr, Joseph

Lewis, jr., William McCoy, Hugh Nelson, Thomas Newton, John Smith, and Francis White.

From North Carolina—Willis Alston, John Culpeper, Peter Forney, Nathaniel Macon, Joseph Pearson, Israel Pickens, and Bartlett Yancey.

From South Carolina—Samuel Farrow, Theodore Gourdin, John Kershaw, and William Lowndes.

From Georgia—William Barnett, Bolling Hall, and George M. Troup.

From Kentucky—Joseph Desha, William P. Duval, Samuel McKee, Thomas Montgomery, Stephen Ormsby, and Solomon P. Sharp.

From Tennessee—John H. Bowen, Thomas K. Harris, Perry W. Humphreys, and John Rhea.

From Ohio—John Alexander, Reasin Beall, James Caldwell, William Creighton, jr., and John McLean.

From Louisiana—Thomas Bolling Robertson.

It appearing that a majority of the whole House, forming a quorum thereof, was present, the SPEAKER announced the readiness of the House to proceed to business.

The following new members were qualified, and took their seats:

From Pennsylvania, DANIEL UDREE, in the place of Mr. Hyneman, resigned; and EDWARD CROUCH, in the place of Mr. Gloninger, resigned.

JONATHAN JENNINGS, the Delegate from the Territory of Indiana; EDWARD HEMPSTEAD, the Delegate from the Territory of Missouri; and SHADRACK BOND, the Delegate from the Territory of Illinois, severally appeared, and took their seats.

WILLIAM LATTIMORE appeared, and produced his credentials, as the Delegate from the Territory of Mississippi, was qualified, and took his seat.

On motion of Mr. FINDLEY, a message was sent to inform the Senate that the House had formed a quorum, and were ready to proceed to business.

On motion of the same gentleman, the usual order for furnishing the members with newspapers was adopted.

A message was received from the Senate, informing the House of their being formed and ready to proceed to business.

A joint committee was then appointed, consisting of Mr. FINDLEY and Mr. STOCKTON, on the

part of this House, to inform the President of the United States that both Houses were formed, and ready to receive his communication; and the House adjourned.

TUESDAY, December 7.

Several other members, to wit: from Massachusetts, TIMOTHY PICKERING and LABAN WHEATON; from Vermont, WILLIAM STRONG; from Rhode Island, RICHARD JACKSON, jr.; from Connecticut, BENJAMIN TALLMADGE; from New York, THOMAS J. OAKLEY; from Maryland, ALEXANDER C. HANSON; from Virginia, JOHN CLOPTON and HUGH CAPERTON; from North Carolina, RICHARD STANFORD and MESHACK FRANKLIN; from South Carolina, JOHN C. CALHOUN; and from Tennessee, JOHN SEVIER; severally appeared, and took their seats.

Mr. FINDLEY, of Pennsylvania, from the joint committee appointed to wait on the President of the United States, reported that the President had intimated to them that he would make a communication this day at 12 o'clock.

On motion of Mr. KING, of Massachusetts, the House proceeded to consider a resolution submitted by him on the 14th June last, for the appointment of the Committee of Elections by ballot, &c.

Mr. FINDLEY questioned the propriety of the course proposed in the resolve. He said it was a new thing in this House, and required mature consideration before it was acted on. Time ought to be afforded to examine precedents, and also the Constitutional powers of the House on this point; for, it was one on which the Constitution, and not any law of theirs, bound the members of the House. Similar propositions had been agitated in the Legislature of Pennsylvania, and found beyond their power to adopt, until a provision was incorporated in the Constitution expressly providing for the case. As the House could not be prepared, without notice, duly to decide on this proposition, he moved that it be postponed to Thursday next.

Mr. KING intimated that he had no objection to such postponement as should afford time to gentlemen to satisfy themselves as to the Constitutional powers of the House.

The resolution was accordingly postponed to Thursday next.

A Message from the President was then received; which was read, and referred to the Committee of the Whole on the state of the Union.

[For this Message see Senate Proceedings of this date, *ante*, page 537.]

STANDING COMMITTEES.

A motion was made by Mr. DAWSON, that the House do now proceed to the appointment of the several Standing Committees, except the Committee of Elections; and the question being taken, it passed in the affirmative. Whereupon, the following committees were appointed, viz:

Committee of Ways and Means—Mr. Eppes, Mr. Taylor, Mr. Roberts, Mr. Creighton, Mr. Alston, Mr. McKim, and Mr. Cox.

Committee of Commerce and Manufactures—Mr. Newton, Mr. Murfree, Mr. Seybert, Mr. Jackson of Rhode Island, Mr. Baylies, Mr. Gourdin, and Mr. Grosvenor.

Committee of Claims—Mr. Archer, Mr. Yancey, Mr. Goodwyn, Mr. Law, Mr. Alexander, Mr. Bard, and Mr. Davenport.

Committee on the Public Lands—Mr. McKee, Mr. Robertson, Mr. Humphreys, Mr. Moseley, Mr. Irwin, Mr. Pickering, and Mr. McCoy.

Committee on the Post Office and Post Roads—Mr. Rhea of Tennessee, Mr. Lyle, Mr. Sturges, Mr. Bigelow, Mr. Winter, Mr. Franklin, and Mr. Hall.

Committee for the District of Columbia—Mr. Kent of Maryland, Mr. Lewis, Mr. Pearson, Mr. Crawford, Mr. Sharp, Mr. Bowen, and Mr. Bradley.

Committee on the Judiciary—Mr. Ingersoll, Mr. Nelson, Mr. Pitkin, Mr. Stockton, Mr. Pickens, Mr. Montgomery, and Mr. Oakley.

Committee of Revision and Unfinished Business—Mr. Condict, Mr. Stanford, and Mr. Wheaton.

Committee of Accounts—Mr. Moore, Mr. Barnett, and Mr. John Reed.

WEDNESDAY, December 8.

Several other members, to wit: from Massachusetts, WILLIAM ELY and ELIJAH BRIGHAM; from North Carolina, WILLIAM KENNEDY; and from Tennessee, FELIX GRUNDY; severally appeared, and took their seats.

On motion of Mr. PICKERING,

Ordered, That, henceforward, all Messages and communications from the President of the United States; all letters and reports from the several departments of the Government; all motions and resolutions offered for the consideration of the House; all reports of committees of the House; and all other papers which, in the usual course of proceeding, or by special order of the House, shall be printed in octavo fold, and separately from the Journals—shall have their pages numbered in one continued series of numbers, commencing and terminating with each session.

A message from the Senate informed the House that the Senate have passed a resolution for the appointment of two Chaplains to Congress, one by each House, who shall interchange weekly.

The resolution was read, and concurred in by the House.

On motion of Mr. WHEATON, a ballot was ordered to be held at 12 o'clock to-morrow, for a Chaplain on the part of this House.

PRESIDENT'S MESSAGE.

On motion of Mr. TAYLOR, of New York, the House resolved itself into a Committee of the Whole on the state of the Union, Mr. MAON in the Chair; and the Message of the President, yesterday referred to said committee, was taken into consideration.

The said Message having been read, the following resolutions were moved by Mr. TAYLOR, and severally agreed to, without debate:

DECEMBER, 1813.

Proceedings.

H. of R.

1. *Resolved*, That so much of the President's Message as relates to the subject of Foreign Affairs, be referred to a select committee.

2. *Resolved*, That so much of the President's Message as relates to Military Affairs, be referred to a select committee.

3. *Resolved*, That so much of the President's Message as relates to Naval Affairs, be referred to a select committee.

4. *Resolved*, That so much of the President's Message as relates to our Revenue, be referred to the Committee of Ways and Means.

5. *Resolved*, That so much of the President's Message as relates to a revision of the Militia laws, be referred to a select committee.

6. *Resolved*, That so much of the President's Message as relates to the Retaliation of our Government, of the proceedings of the enemy, contrary to the legitimate modes of warfare, be referred to a select committee.

Mr. CLAY, of Kentucky, remarked, that the resolutions adopted appeared to embrace all the principal topics adverted to in the Message, with the exception of one, which had no doubt escaped the gentleman's observation. The subject to which he referred was embraced in the following resolution, which Mr. C. offered for consideration:

7. *Resolved*, That so much of the Message of the President as relates to the expediency of such legal provisions as may supply the defects, or remove the doubts of the Executive authority to allow to cruisers of other Powers, at war with enemies of the United States, such use of the American ports as may correspond with the privileges allowed by such Powers to American cruisers, be referred to a select committee.

Mr. TAYLOR remarked, that he had not overlooked this important recommendation, but had supposed it would fall within the province of the Committee on Naval Affairs, inasmuch as its declared object was "to give to our vessels of war, public and private, the requisite advantage in their cruisers," and appeared to him therefore properly a subject for their examination.

Mr. CLAY observed, in reply, that, if it belonged to any of the committees proposed in the resolutions just agreed to, it appeared to him to belong to the Committee of Foreign Relations—the object being a reciprocation to a foreign Power of certain privileges in our ports, which it granted to us on its part. It was at least doubtful to which committee it properly belonged, and it would therefore be better to refer it to a special committee.

Mr. TAYLOR withdrew his opposition to the motion; and it was agreed to.

The committee then rose and reported the resolutions to the House, which were concurred in, and the committees ordered to be appointed accordingly.

Mr. Calhoun, Mr. Grundy, Mr. Fisk of New York, Mr. Ingersoll, Mr. Gholson, Mr. Miller, and Mr. McLean, were appointed a committee pursuant to the first resolution.

Mr. Troup, Mr. Dawson, Mr. Desha, Mr. Sevier, Mr. Stuart, Mr. Tannhill, and Mr. Cham-

pion, were appointed a committee pursuant to the second resolution.

Mr. Lowndes, Mr. Burwell, Mr. Seybert, Mr. King of Massachusetts, Mr. Ormsby, Mr. Post, and Mr. Kennedy, were appointed a committee pursuant to the third resolution.

Mr. Taylor, Mr. Parker, Mr. Strong, Mr. Piper, Mr. Forney, Mr. Champion, and Mr. Smith of Virginia, were appointed a committee pursuant to the fifth resolution.

Mr. Macon, Mr. Robertson, Mr. Calhoun, Mr. Nelson, Mr. Fisk of Vermont, Mr. Stockton, and Mr. Lovett, were appointed a committee pursuant to the sixth resolution.

Mr. Grundy, Mr. Duvall, Mr. Davis of Pennsylvania, Mr. Moore, Mr. Ely, Mr. Lefferts, and Mr. Pitkin, were appointed a committee pursuant to the seventh resolution.

THURSDAY, December 9.

Several other members, to wit: from Massachusetts, SAMUEL TAGGART; and from New York, JOTHAM POST, jr., and ZEBULON R. SHEPHERD; severally appeared and took their seats.

On motion of Mr. JENNINGS,

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of subdividing the quarter sections of the lands of the United States.

Resolved, That the said committee inquire into the expediency of reducing the price of the lands of the United States.

Resolved, That the said committee inquire also into the expediency of giving further time to the purchasers of the public lands, who purchased prior to the first day of January, 1810, to complete their payments.

On motion of Mr. KING, the House again proceeded to consider the resolution submitted by him, for the appointment of the Committee of Elections, by lot. And the question being taken to agree to the said resolution, it was determined in the negative—yeas 33.

On motion of Mr. GRUNDY, a Committee of Elections was then appointed, pursuant to the standing rules and orders of the House. And Mr. Fisk of Vermont, Mr. Gholson, Mr. KING of Massachusetts, Mr. PICKENS, Mr. VOSB, Mr. COMSTOCK, and Mr. ANDERSON, were appointed.

On motion of Mr. RHEA,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of authorizing members of Congress, the Secretary of the Senate, and the Clerk of the House of Representatives, to transmit, by mail, free of postage, copies of the acts of Congress, Journals of the Senate, and Journals of the House of Representatives, public documents transmitted to either or both Houses of Congress by the President of the United States, or any Executive department, or in pursuance of any law, or of any order or resolution of either House of Congress, to any post office within the United States, or Territories thereof.

The House proceeded to the election of a

Chaplain to Congress, on their part, and, upon an examination of the ballots, it appeared that the Rev. JESSE LEE was duly elected.

PATRICK MAGRUDER, the Clerk to the House, being absent from indisposition, the House proceeded to the choice of a Clerk *pro tem.*, and GEORGE MAGRUDER was unanimously chosen.

A confidential Message was received from the President of the United States. Upon which, the House was cleared of all persons, except the members, Clerk, Sergeant-at-Arms, and Doorkeeper, and the doors were closed, and, after remaining so for some time, they were again opened, and the House adjourned.

FRIDAY, December 10.

Several other members, to wit: from Pennsylvania, JAMES WHITEHILL; from Maryland, ROBERT WRIGHT; from Virginia, DANIEL SHEFFEY; from North Carolina, WILLIAM GASTON; and from South Carolina, JOHN J. CHAPPELL; severally appeared and took their seats.

Mr. RHEA, from the Committee on the Post Office and Post Roads, presented a bill to authorize the transmission of certain documents free of postage; which was read twice, and ordered to be engrossed and read the third time to-day. The bill was subsequently read a third time, and passed.

On motion of Mr. RHEA, the Committee on the Post Office and Post Roads were discharged from the consideration of the resolution agreed to yesterday, directing an inquiry into the expediency of transmitting certain documents by mail, free of postage, and that the said resolution be referred to the Postmaster General.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, transmitting a statement of the unsettled accounts remaining in the Auditor's Office, in pursuance of a resolution of the House, of the 30th of July last; which were read, and ordered to lie on the table.

On motion of Mr. HEMPSTEAD,

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of providing, by law, for the speedy and final confirmation of all grants of land, or orders of survey, lawfully made and completed, by the proper officer, in the late District of Louisiana, now Territory of Missouri, during the time the said Territory was in the actual possession of Spain or France, and while either of those Powers exercised the sovereignty therein.

Resolved, That said committee inquire into the expediency of making provision, by law, for granting all such claims to land, in said Territory, not exceeding six hundred and forty acres to each claimant, where the claimant, or the person under whom he claims, had actually cultivated the same, prior to the 20th of December, 1813.

Resolved, That said committee be instructed to inquire into the expediency of making provision, by law, to enable persons claiming lands in said Territory, and which shall not be con-

firmed or granted, under the laws of the United States, to contest the legality of such decisions in a court of law.

Resolved, That said committee be instructed to inquire into the expediency of extending the right of pre-emption to actual settlers on the public lands in said Territory, and that said committee have leave to report by bill or otherwise.

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of making provision, by law, for the appointment of an additional Judge of the Supreme Court, in the Territory of Missouri, exclusively for the District of Arkansas, with leave to report by bill or otherwise.

On motion of Mr. WILSON,

Resolved, That the Committee on the Naval Establishment inquire and report on the expediency of a provision, by law, for deepening the channel into the harbor of Presque Isle, on Lake Erie.

Resolved, That the Military Committee inquire and report upon the expediency of improving the water communications and roads, necessary for the transportation of troops, military and naval stores, and provisions, between certain parts of the United States and the Lakes.

The following joint resolution was submitted by Mr. PICKERING:

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That of the public journals of the Senate and of the House of Representatives, of the present and of every future Congress, commencing with the present session, and of the documents published under the orders of the Senate, and of the House of Representatives, respectively, from the commencement of the present session, there shall be printed two hundred copies beyond the number usually printed, of which twenty-five copies shall be deposited in the Library of the United States, at the seat of Government, to be delivered to members of Congress, during any session, and to all other persons authorized by law to use the books in the said Library, upon their applications to the Librarian, and giving their responsible receipts for the same, in like manner as for other books. And that so many other of the said copies shall be transmitted, in like manner as the acts of Congress are transmitted, to the Executives of the several States and Territories, as shall be sufficient to furnish one copy to each Executive, one copy to each branch of every State and Territorial Legislature, one copy to each University and College in each State, and one copy to the Historical Society, incorporated, or which shall be incorporated, in each State. And that the residue of the said two hundred copies be deposited in the said Library of the United States, subject to the future disposition of Congress.

The said resolution was read the first time, and, on motion, the said resolution was read the second time, and ordered to be engrossed, and read the third time on Monday next.

On motion of Mr. GRUNNY, the House was cleared of all persons except the Members, Clerk, Sergeant-at-Arms, and Doorkeeper, and the doors were closed, and remained so until an adjournment took place.

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Proceedings.

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SATURDAY, December 11.

The doors being opened, Mr. BOYD, of New York, Mr. REA, of Pennsylvania, Mr. KING, of North Carolina, and Mr. CHEVES, of South Carolina, severally appeared and took their seats.

And the House then adjourned.

MONDAY, December 13.

Several other members, to wit: from Massachusetts, GEORGE BRADBURY; from Rhode Island, ELISHA R. POTTER; from Virginia, JAMES PLEASANTS, junior; and from Georgia, THOMAS TELFAIR; severally appeared, and took their seats.

Mr. FISK, of New York, presented a petition of Isaac Williams, junior, praying to be admitted to a seat in this House, as one of the members for the State of New York, in the place of JOHN M. BOWERS, whom he states to have been illegally returned and commissioned.—Referred to the Committee of Elections.

Mr. INGERSOLL presented a petition of the President and Directors of the Chesapeake and Delaware Canal Company, praying that the United States will subscribe for such number of shares in the stock of said company as will enable them to complete their undertaking.—Referred to Mr. INGERSOLL, Mr. COOPER, Mr. TELFAIR, Mr. WRIGHT, and Mr. PLEASANTS.

A message from the Senate informed the House that the Senate have passed a resolution for the appointment of a joint committee to have the direction of the money appropriated for the purchase of books, &c., for the Library of Congress; and they have appointed Mr. LEIR, Mr. GOLDSBOROUGH, and Mr. MASON, of the said committee on their part.

The resolution was read, and concurred in by the House; and Mr. SEYBERT, Mr. CHEVES, and Mr. GASTON, were appointed the said committee, on the part of the House.

An engrossed resolution for the printing and distribution of an additional number of public documents was read the third time and passed.

On motion of Mr. BEALL,

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of attaching to the Canton district, in the State of Ohio, all that tract of land, extending one mile wide on each side of the road, as located, and lying between the foot of the Rapids of the river Miami, of Lake Erie, and the western line of the Connecticut Reserve, which, by treaty, concluded at Brownstown, in the Michigan Territory, on the 25th of November, 1808, between certain Indian tribes and Governor Hull, was ceded to the United States for the purpose of a road, and of extending and connecting the settlements of the State of Ohio with the Territory aforesaid; and that the said committee have leave to report by bill, or otherwise.

On motion of Mr. LATTIMORE,

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of allowing further time to make payment for public lands in the Mississippi Territory, pur-

chased subsequent to the 31st of March, 1809; and that they have leave to report by bill, or otherwise.

TUESDAY, December 14.

Two other members, to wit: from Georgia, JOHN FORSYTH, and from Kentucky, JAMES CLARKE, appeared and took their seats.

On motion of Mr. GHOLSON, the petition and accompanying documents of John Taliaferro, presented on the 27th of May, 1813, contesting the election of JOHN P. HUNGERFORD, one of the Representatives from the State of Virginia, were referred to the Committee of Elections.

On motion of Mr. PICKERING,

Ordered, That the documents which were the subject of the order of the House of the 8th instant, instead of having their pages numbered in one continued series of numbers from the commencement to the termination of each session, shall be themselves numbered in a regular series, in the order of time in which they shall be directed to be printed: the number of each document to be distinctly marked on the top of the title page and of every subsequent page, in addition to the number of each page of such document.

Mr. DESHA submitted the following resolutions:

Resolved, That the Committee of Claims be instructed to inquire into the expediency of paying for the wagons and horses that have been lost or destroyed whilst engaged in the public service.

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of paying for the horses lost by the volunteers who turned out under his Excellency Isaac Shelby, Governor of the Commonwealth of Kentucky, on the Canada expedition, last Fall, and that they report by bill, or otherwise.

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of paying the mounted volunteers who turned out under his Excellency Isaac Shelby, Governor of the Commonwealth of Kentucky, on the Canada expedition, last Fall, additional pay for their horses furnished, and that they report by bill, or otherwise."

Mr. GROSVENOR moved to amend the resolutions, so as to include vessels and other property destroyed by the enemy in the public service.

Mr. DESHA objected to the adoption of this amendment; and Mr. GROSVENOR explained his reasons for offering it; after which, the question was taken on the motion and lost; and the resolutions passed by a considerable majority.

On motion of Mr. WRIGHT,

Resolved, That a committee be appointed to inquire into the expediency of providing, by an act of Congress, one uniform mode of electing Senators, Representatives to Congress, and Electors of President and Vice President.

Mr. WRIGHT, Mr. FORSYTH, Mr. SKINNER, Mr. STURGES, Mr. CLARKE, Mr. WARD of New Jersey, and Mr. BOYD, were appointed the committee.

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Re-Enlistment in the Army—Claims for Interest.

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WEDNESDAY, December 15.

Several other members, to wit: from New York, ABRAHAM HASBROUCK, and from Virginia, THOMAS M. BAYLY and JAMES JOHNSON, appeared and took their seats.

Mr. CONDICT, from the Committee of Revisal and Unfinished Business, made a report in part; which was ordered to lie on the table.

On motion of Mr. YANCEY,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of amending the laws of the United States, as to the effect which a judgment of record of one State shall have, when offered as evidence in a suit in another State, and that they have permission to report by bill or otherwise.

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of amending that provision in the first section of the act, entitled "An act laying duties on licenses to retailers of wines, spirituous liquors, and foreign merchandise," so far as respects the sale of domestic spirits, sold in less quantities than five gallons, at the place where the same shall have been distilled, and by the persons to whom licenses shall have been granted for that purpose.

On motion of Mr. WINTER,

Resolved, That the Committee of Claims be instructed to inquire into the expediency of paying for buildings occupied as public stores, and burnt by the enemy in consequence thereof; and that they report by bill or otherwise.

On motion of Mr. PICKERING,

Resolved, That a committee be appointed to inspect the printed journals and documents belonging to the House, and to cause them to be so marked and arranged as to render the recurrence to them more easy and useful.

Mr. PICKERING, Mr. LOVETT, and Mr. SHARP, were appointed the said committee.

RE-ENLISTMENTS IN THE ARMY.

Mr. LOWNDES said that he wished to call the attention of the House to a subject of deep interest to the United States. The terms for which many of the soldiers had enlisted were about expiring. It would be desirable if those soldiers could be re-enlisted, that provision should be made for it. Men who had been trained to arms for years were far more desirable and important in the Army than men who had never known discipline. The services of the trained soldier were worth more than those of the raw recruit. Their wages ought, therefore, to be higher, and their bounties increased. Mr. L. said he did not mean to suggest any plan for this purpose, but merely to put the subject in train for inquiry. He deemed it well worthy of the attention of the House. Mr. L. said he had another object. Those men who had enlisted for one year, and for eighteen months, were willing (he knew the fact as it existed in the three Southern States,) to convert their term of service into that of five years, provided they could obtain the bounties in land secured by law to soldiers who enlist for the

latter term, but there was no law to authorize this. For instance, Mr. L. said, those who one year ago had enlisted for eighteen months, and who shall serve that time, cannot, by any law, obtain the bounties, although they should continue to serve a sufficient time to make up in the whole five years. They could not have the time they had already served under their enlistment, for a year or eighteen months, received as a portion of the term of five years. Or, in other words, their original enlistment could not legally be converted into an enlistment for five years, so as to entitle them to the benefits and bounties which the law allows to those who originally enlisted for the full term. Mr. L. thought that a provision by law for attaining this would be highly beneficial to the country.

Mr. L. then submitted a resolution, as follows:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of affording additional encouragement to the re-enlistment of those soldiers, now in the Army of the United States, whose terms of service may have nearly expired.

The resolution was agreed to.

THURSDAY, December 16.

Another member, to wit: from South Carolina, DAVID R. EVANS, appeared and took his seat.

Mr. FISK, of Vermont, from the Committee of Elections, made a report on the petition of Isaac Williams, junior, contesting the election of John M. Bowers, a sitting member from the State of New York, favorable to the petitioner; which was read, and ordered to lie on the table.

On motion of Mr. MONTGOMERY, of Kentucky,

Resolved, That the Committee of Claims be instructed to inquire into the expediency of providing by law for compensating volunteers and draughted militia for arms and military accoutrements, lost by the inevitable casualties of war; with leave to report by bill or otherwise.

On motion of Mr. GRUNDY, of Tennessee, the galleries were then cleared and the doors closed, and the House remained in conclave until it adjourned.

FRIDAY, December 17.

CLAIMS FOR INTEREST.

Mr. ARCHER, from the Committee of Claims, made report on the petition of John Thompson; which was read, and referred to a Committee of the Whole on Monday next. The report is as follows:

That by an act of Congress passed on the 11th day of May, 1812, the accounting officers of the Treasury Department were required to settle the account of the petitioner, and to allow him the amount of moneys which might appear to have been advanced by him for the public service, and which had not been reimbursed to him; and also to allow him any sums which might appear to be due him for personal services; that the accounting officers of the Department of the Treasury, in pursuance of the said act of Congress, did adjust and settle the accounts of the petitioner, and paid him

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the balance which, upon settlement, was found to be due; the interest, however, was withheld; and of this the petitioner complains, alleging that if the principal were justly due, the payment of interest, in a legal point of view, necessarily followed.

At the last session of Congress, the chairman of the Committee of Claims, at the instance of the petitioner, addressed a note to the Comptroller of the Treasury requesting to be informed upon what principle the interest had been withheld. In answer to which the following communication was received, detailing the reasons which operated on the mind of that officer, in his refusal to pay the petitioner the interest which he demanded.

TREASURY DEPARTMENT,
COMPTROLLER'S OFFICE, June 4, 1813.

SIR: I had the honor to receive your note of this day, requesting to be informed why, in the settlement of the accounts of John Thompson, under the act of Congress of the 11th of May, 1812, I did not allow him interest.

The sole reason why I did not, was a doubt of my power. The act in question provides that there shall be allowed "to the said John Thompson the amount of any moneys which may appear to have been advanced by him for the public service, and which have not been reimbursed to him; and also to allow him any arrearages that may be due for personal services;" but it says not a word about interest. It might seem to follow that, on whatever sum was found due, interest, from the time of its being due, would, as a matter of course, be awarded to him. But such has not been the construction or usage of the Government. I found, on careful inquiry, that in no similar case had interest been allowed in the settlement of a claim at the Treasury, and that special words were always deemed necessary to sanction such allowance. In confirmation of this usage, which appears, too, to have been coeval with the first formation of the Government, I further discovered, in examining various acts of Congress on the subject of these private claims, that in some, interest is by special words directed to be allowed, whilst in others, as in this of Thompson's, no such authority is given. This I took to afford some countenance to the distinction. As interest in its application to such cases as the present is to be considered in the light of a compensation for money unjustly withheld after it is due, perhaps Government may not, under this view, be held chargeable with it as a general rule, inasmuch as the presumption of law is, that the sovereign stands ready at all times to pay what is justly due from it, and that where payment has not been made, it must be taken to be owing to some good and justifiable causes, and not to any mere neglect or default in itself or in its own officers. But, waiving this suggestion, the refusal of the Government, in its ordinary practice, to pay interest, is at least sustained on equitable ground, in so far as the rule is reciprocal. For, if it refuse to pay interest, it is also true that it never charges any to its debtors. The case of revenue bonds, so provided by special law, the case of moneys in the hands of the bankers of the Government abroad, and judgments, are, as far as I am informed, the only exceptions to this rule. But in general, in all common open accounts, and on all contracts, unless otherwise specially provided, the Government gives an acquittance to its debtor on payment of the principal sum due, making no demand for interest, no matter for what length of time the princi-

pal may have been withheld; and, in pursuance of this doctrine, it is also a fact that no interest account, except in the cases above specified, is ever opened upon the books of the Treasury.

These are the reasons that operated with me to refuse interest on the final settlement at this office of the claim of John Thompson, among which I beg leave to class as the chief, an unwillingness which I felt to depart from a practice uniform at the Treasury, as far as I could gain information, for more than twenty years.

I have the honor to be, with great respect, sir, your obedient servant,

RICHARD RUSH.

The Hon. STEVENSON ARCHER,
Chairman of the Committee of Claims.

The rule which appears from the above letter to be established at the Treasury, and which has been practised under for so long a period of time, your committee cannot feel themselves at liberty to violate, because they believe it to be salutary. That construction which the Comptroller states is given in the Treasury Department to acts of Congress in relation to private claims, undoubtedly coincides with the intention of the Legislature. Entertaining this belief, your committee are satisfied, that the principal alone, which was found to be due, was intended by Congress to be paid to John Thompson under the law above alluded to. We are bound to presume that the original claim of the petitioner underwent a thorough examination, and that it was determined according to its merits. All was granted which in justice was deemed to be due, and if the construction which has been adopted be correct, that was the principal alone; the interest was refused.

The committee consider the claim of the petitioner as completely satisfied by the act of Congress, and believe the adoption of that principle unsafe, which admits the power of re-examining claims that have been once settled by the competent authority. They, therefore, recommend the adoption of the following resolution:

Resolved, That the petition of John Thompson ought not to be granted.

CLAIM OF COMMODORE DALE.

Mr. ARCHER, from the Committee of Claims, made a favorable report on the petition of Richard Dale; which was read: On which Mr. A. reported a bill for the relief of Richard Dale; which was read, and committed to a Committee of the Whole. The report is as follows:

That the petitioner presented his claim to Congress in the year 1803, at which period it was referred to a Committee of Claims for examination. The Secretary of the Navy having been requested to give his opinion upon the merits of the claim, addressed a letter to the chairman of that committee. This communication, as it exhibits a detailed view of the nature and merits of the petitioner's pretensions, your committee ask leave to incorporate with their report, in the following words:

NAVY DEPARTMENT, Feb. 15, 1803.

SIR: I have the honor of acknowledging the receipt of your favor of the 11th instant, submitting to me the petition of Captain Dale, and requesting "such evidence respecting it as the Navy Department may furnish;" and, also, "my opinion upon its merits."

The records of this Department show, that in the month of May, 1798, Captain Dale took the command

of the ship *Ganges*; that stores to the amount of \$862 62 had been put on board of this ship by the agent of the United States; and that after the cruise, Captain Dale, in his accounts against the Government for his services, did not claim any allowance for rations; but I have not been able to find any positive evidence of an agreement that he should be at no expense for his sea stores.

The law of Congress allowed to an officer of the rank of Captain Dale 75 dollars per month, and 6 rations per day: and, excepting this case of the *Ganges*, Government has never put on board a public ship a captain's sea stores. Whence, then, has it happened that in this particular case Government did furnish the sea stores, and that Captain Dale did not claim an allowance for rations? Do not these two extraordinary circumstances induce a presumption that the agreement as stated in the petition was made, and that Captain Dale took the command of the *Ganges* under the persuasion of its fulfilment on the part of the Government?

If, however, this agreement were established by positive evidence, in the most satisfactory manner, I should not consider myself empowered to carry it into effect without the authority of a special act of Congress. The Head of the Department was not competent to the making of such a contract. The pay and emoluments of every officer of the Navy being precisely ascertained by law, the Secretary had no legitimate power to go beyond that allowance. But if the committee should believe, as I do, that Captain Dale did take the command of the *Ganges* under the assurance of the Head of the Department that his sea stores should be furnished him by Government, as stated in the petition, they will determine whether such a stipulation ought not to be carried into effect.

It is proper to inform you that the rations, to which Captain Dale would have been legally entitled, would have amounted to the sum of \$309 10, and, thus, the real sum from which he prays to be released is \$553 52.

I have the honor to be, with great respect, sir, your most obedient servant,

R. SMITH.

Hon. J. C. SMITH, *Chairman, &c.*

The agreement on the part of the Government to furnish the captain's sea stores, as the condition upon which the command of the *Ganges* was accepted by Captain Dale, although not proven in positive terms, is satisfactorily established. The putting on board the cabin stores, (an act which in ordinary cases is never done,) and the relinquishment, on the part of Captain Dale, of the rations to which as an officer he was entitled, are circumstances which place the existence of such an agreement beyond all question. And although no power was invested in the Secretary of the Navy to augment or diminish the compensation of officers, yet when we consider the pressing solicitations which were made him; the high reputation and gallantry of that officer; the great confidence which was reposed in him by the public; and, more particularly, when we reflect that he was induced to enter the service from a conviction that the promise made to him by an agent of the Government would be performed with fidelity, the committee are satisfied that little hesitation can exist as to the propriety of releasing him from the sum with which he stands charged. The committee are well aware that some danger is to be apprehended from the precipitate confirmation of the authorized acts of the agents of the Government; yet, in the present instance, it is not

perceived that mischievous consequences can possibly result from the allowance of this claim. Nor, indeed, do the committee conceive, that by granting it, the Government will abandon any claim to which it is legally entitled. For it is, to say nothing more, a subject of doubt whether the United States could recover the amount of these stores from Captain Dale, without a contract, either express or implied on his part, to be responsible for their value. That no such contract did ever exist, is apparent, because the agreement above alluded to expressly contradicts it. The ship was furnished with stores without his order, and he was importuned to take the command.

With this view of the subject, the committee are induced to ask leave of the House to report a bill for the petitioner's relief.

The galleries were now cleared, and the doors were closed until half-past 1 o'clock, when the House adjourned to 4 o'clock this day.

At 4 o'clock the House again convened, and remained in session about an hour with closed doors, and then adjourned until Monday.

MONDAY, December 20.

Three other members, to wit: from Massachusetts, JOHN WILSON; from New York, SAMUEL SHERWOOD; and from Virginia, JAMES BRECKENRIDGE, appeared, and took their seats.

On motion of Mr. BURWELL, the Committee on Naval Affairs were instructed to inquire into the expediency of authorizing the President to provide an additional number of armed vessels for the public service, to carry not less than sixteen, nor more than twenty-two guns; with leave to report by bill or otherwise.

On motion of Mr. SEYBERT, a committee was appointed to inquire into the present condition and distribution of the flags, standards, and colors, which have been taken by the forces of the United States from their enemies; and whether it would be expedient to make any provision in relation to them; with leave to report by bill or otherwise.

Mr. SEYBERT, Mr. CHEVES, and Mr. SMITH, of New York, were appointed the committee.

The following resolution was submitted by Mr. INGERSOLL:

Resolved, That a committee be appointed to inquire into the expediency of making adequate and permanent provision for the support of all officers, soldiers, and mariners, who have been, or shall be, disabled by wounds in the military or naval service of the United States; and, also, for the support of the widows and education of the children of all officers, soldiers, and mariners, who have fallen, or shall fall, in the military or naval service of the United States; and that the committee have leave to report by bill or otherwise.

The resolution was read, and ordered to lie on the table.

Mr. ARCHER proposed an amendment to the standing rules and orders of the House, to wit:

"An additional standing committee shall be appointed, to wit: a Committee on Pensions and Revolutionary Claims, to consist of seven members.

"It shall be the duty of the said Committee on Pensions and Revolutionary Claims, to take into consider-

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ation all such petitions and matters, or things touching military pensions, and also claims and demands originating in the Revolutionary war, or arising therefrom, as shall be presented, or shall or may come in question, and be referred to them by the House; and to report their opinion thereupon, together with such propositions for relief therein as to them shall seem expedient."

The said amendment was read, and ordered to lie on the table.

The bill for the relief of Richard Dale passed through a Committee of the Whole, and was ordered to be engrossed for a third reading.

On motion of Mr. STURGES, the Committee on the Judiciary were instructed to inquire into the expediency of amending an act, entitled "An act to establish the judicial courts of the United States," so far as to authorize notaries public to take depositions to be used in any of the courts of the United States.

Mr. COOPER offered the following resolution:

Resolved, That the Committee on Military Affairs be instructed to inquire and report what provisions ought to be made for payment of the expenses of the militia called out under the authority of any of the State or Territorial governments, for the defence of the country against the incursions of the enemy; with leave to report by bill or otherwise.

Mr. TROUP observed, that he considered the adoption of this resolution unnecessary, as an inquiry had already been instituted on the subject, and it was found that existing laws made ample provision for such cases as were embraced by the motion. Upon further consideration, however, Mr. T. withdrew his opposition to the resolution, and moved to amend it, by ordering its reference to the committee for revising the militia laws.

On the question of the committee to which it was most proper to refer the resolution, a very desultory discussion took place. Mr. TROUP's suggestion was, however, finally adopted, and the resolution accordingly referred to the committee for revising the militia laws.

AMENDMENT TO THE CONSTITUTION.

A motion was made by Mr. PICKENS that the House do come to the following resolution:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring therein, That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States, which, when ratified by the Legislatures of three-fourths of the said States, shall be valid, to all intents and purposes, as a part of the said Constitution:

The Electors of President and Vice President shall be chosen by districts; and, for that purpose, each State shall be divided by its Legislature into a number of districts, equal to the number of Electors to which the State may be entitled. Each district shall contain, as nearly as may be, equal numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and, excluding Indians not taxed, three-fifths of all other persons. In each district the persons qualified to vote for Representatives in the Congress of the

United States, shall choose one Elector. The Legislature of each State shall have power to regulate the manner of holding elections, and making returns of the Electors chosen by the people. In case all the Electors should not meet at the time and place appointed for giving their votes, a majority of the Electors met shall have power, and forthwith shall proceed to supply the vacancy. The districts for choosing Electors of President and Vice President of the United States shall not be altered in any State, until an enumeration and apportionment of Representatives shall be made subsequent to a division of the State into districts. The division of the State into districts shall take place, as soon as conveniently may be, after this amendment shall become a part of the Constitution of the United States, and successively afterwards whenever a new enumeration and apportionment of Representatives shall be made.

The resolution was read, and referred to the Committee of the Whole on the state of the Union.

CHESAPEAKE AND DELAWARE CANAL.

Mr. INGERSOLL, from the committee to whom was referred the petition of the President and Directors of the Chesapeake and Delaware Canal Company, made a report; which was read as follows:

The committee, to whom was referred the consideration of the memorial and petition of the President and Directors of the Chesapeake and Delaware Canal Company, beg leave to report:

That, so long ago as in the year 1765, surveys and other preparations were made for undertaking this important national improvement, of which the practicability is so obvious from the proximity of the waters of the Chesapeake and Delaware, and the nature of the intermediate ground, that even at that early day certain individuals were prompted to make the attempt.

That, in the year 1799, the Legislature of the State of Maryland enacted a law, which was followed up, in the year 1801, by corresponding laws enacted by the Legislatures of Delaware and Pennsylvania, providing for the incorporation of a company with a capital stock of \$400,000, for the purpose of cutting and making a canal between the river Delaware and the Chesapeake bay: in pursuance of which acts of incorporation subscriptions were received for nearly the whole amount of the two thousand shares, at \$200 each; surveys were made, engineers and workmen employed, a route and position located for the canal on the isthmus which separates the bays of Chesapeake and Delaware, and some material progress effected in the execution of the work. But, after expending upwards of \$100,000 in the purchase of water rights, the construction of a feeder and reservoir, and digging some portion of the canal, the work was suspended in the year 1803, in consequence of the non-payment of subscriptions, the evidence daily accumulating that \$400,000, the whole amount subscribed, even if collected, was a sum inadequate to the completion of the canal, and of that depression of the funds and spirit of the company which were superinduced by the absence of public support and encouragement from the individual enterprise which had so far carried on the undertaking. Since that time the subject has been frequently under consideration in Congress, bills in various shapes have been acted on in the Senate for extending national aid to this great national work, and on the 3d day of March, 1811, the last day of the last session of the Eleventh

Congress, a bill, which came from the Senate, appropriating two hundred thousand acres of public lands for this object, was indefinitely postponed in the House of Representatives, rather, as this committee have been taught to believe, from the lateness of the period at which the subject was brought before the House of Representatives, than from any indisposition on their part to accede to the liberal provision proposed by the Senate.

That, conceiving the present to be a moment when the importance of such a canal will probably be appreciated as it ought to be, your committee beg leave to enumerate briefly some of the most prominent advantages to be derived from it :

By connecting the waters of the Chesapeake and Delaware, the contemplated canal will throw open an internal navigation from the northwestern parts of the State of New York to the southern extremities of the State of Virginia.

Besides the contributions which such a course of internal navigation would afford to the sustenance of the community, and to an export trade, in the products of the earth, which it would transport from all the various regions it must connect together, it would moreover supply the coal from the banks of the James river, and the Susquehannah, to the cities and settlements along the Atlantic coast, thus substituting a cheap and inexhaustible species of fuel for the wood of which the country is deprived, and of which the price already constitutes so large a drain upon the resources of the poor and manufacturing classes.

The extensive beds of Plaster of Paris and other useful substances, which are said to exist on the shores of the Susquehannah, and of which the want is now so severely felt in other places, might be carried into active usefulness throughout some of the most agricultural districts of the Union.

The transportation of merchandise, of all kinds of articles of food, clothing, and necessity, of almost every thing which the North, Middle, and South interchange, would be facilitated in point of price, time, and safety, to a great amount. Your committee are informed that at this time Government is compelled to convey by land, in the winter season, over the portage from the Chesapeake to the Delaware (a road rendered almost impassable by land carriage) the most bulky pieces of timber for the ship-of-the-line building at Philadelphia, and that the expense of the conveyance over this small distance is enormous.

In the reduction of the time, labor, and cost of all military transportation, whether of men or things, the importance of the Chesapeake and Delaware canal is inestimable: and desirable as such an improvement may be in time of war, its uses would be no less extensively beneficial in time of peace.

That essential as such a canal is at this juncture, and advantageous as it would be at all times, the motives to its undertaking are increased by the facility and shortness of time with which it may be undoubtedly accomplished.

The canal begins at Welch Point on the Elk river, an arm of the Chesapeake, and is to terminate at a distance of twenty-two miles, on Christiana river, a branch of the Delaware. At low water the depth of water in Christiana is nine feet and in Elk twelve feet, within one hundred feet from the shore. The tide rises four feet in both rivers. The highest intermediate ground, over which the canal is to be carried, on a level of thirteen miles in length, is seventy-four feet above

tide water, the descent to be effected by nine locks on each side. The digging is generally easy. No expensive aqueducts, nor bridges, nor any other obstacles occur, but those which have been already overcome in digging the feeder through a rocky soil. The supply of water drawn from Elk river, by a feeder six miles in length, which is completed, and which is itself a boat canal three and a half feet deep, united by a lock of ten feet high to the main canal, is calculated to fill daily one hundred and forty-four locks; a quantity sufficient on an average for the daily passage of twenty-four vessels. The canal is twenty-six feet wide at the bottom, and fifty at the top on the water line, being dug at the depth of eight feet. It is intended for vessels of from forty to seventy tons, drawing seven and a half feet water. The banks twenty feet wide for towing paths, one of which may be converted into a turnpike road, being raised three feet above the level of the water, will, by increasing the height of the lock gates one foot, admit a depth of nine feet water, in the canal. The digging one mile throughout rocky ground cost \$13,000; another mile, perfectly level and without any impediments, cost \$2,300, which gives an average of \$7,650 a mile. The whole distance to be cut is twenty-two miles; the whole cost computed at \$850,000. Of this sum \$100,000 has been laid out. The sum solicited by public contribution is \$287,000. Of this sum the State of Pennsylvania contributes \$75,000, to be reimbursed by three hundred and seventy-five shares of the stock; the State of Maryland contributes \$50,000, to be reimbursed by two hundred and fifty shares of the stock; and the State of Delaware \$12,000, to be reimbursed by sixty shares of the stock. The sum solicited of Congress is \$150,000, to be reimbursed by seven hundred and fifty shares of the stock. With public assistance to such an amount the president and directors of this canal calculate on individual contributions and private loans, sufficient to complete the work in a short time.

The States of Maryland, Delaware, and Pennsylvania, which are most immediately interested in this public improvement, having given their consent and co-operation to the work; your committee, in behalf of the National Legislature, beg leave to report the following bill for bestowing the aid required of the United States.

Mr. INGERSOLL then reported a bill, to authorize the Secretary of the Treasury, in behalf of the United States, to subscribe for seven hundred and fifty shares in the capital stock of the Chesapeake and Delaware Canal Company; which was read twice, and committed to a Committee of the Whole on Wednesday next.

CONTESTED ELECTION.

The House proceeded to consider the following report of the Committee of Elections, on the petition of Isaac Williams, jr., contesting the election of JOHN M. BOWERS, a member returned from the State of New York:

The Committee of Elections, to whom was referred the petition of Isaac Williams, jr., contesting the election of John M. Bowers, returned as one of the Representatives from the State of New York in the present Congress, and praying to be admitted in his stead, have had the same under consideration, and report:

That, in addition to the facts and evidence stated in the report of the Committee of Elections, made in this case at the last session of Congress, it appears that,

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from the towns of Exeter, Milford, and Westford, three hundred and twenty-two votes were, through the mistake of the inspectors of elections in those towns, returned for Isaac Williams; which votes, according to the testimony of said inspectors, were given to, and ought to be returned for, Isaac Williams, jr.; that, adding these votes to the poll of Isaac Williams, jr., gives him a majority of one hundred and sixty-four votes over Mr. Bowers, and entitles him to a seat in the House. The committee, therefore, respectfully submit the following resolutions:

Resolved, That John M. Bowers is not entitled to a seat in this House.

Resolved, That Isaac Williams, jr., is entitled to a seat in this House.

The report being read, the resolutions therein contained were unanimously concurred in.

The House was then cleared of all strangers, and the doors were closed; and remained so till the House adjourned.

TUESDAY, December 21.

On motion of Mr. WRIGHT, the Committee on Military Affairs were instructed to inquire into the expediency of authorizing the President to change any portion of the 5,000 infantry, authorized by the act of last session, into artillerymen or riflemen.

On motion of Mr. PIERCE, the Committee on the Judiciary were instructed to inquire whether any, and, if any, what, alterations or amendments are necessary to be made by law, relative to costs to be taxed, and to fees and expenses in the circuit and district courts of the United States; and that they have leave to report by bill or otherwise.

On motion of Mr. TAYLOR, the Committee of Ways and Means were instructed to inquire into the expediency of authorizing the Secretary of the Treasury to permit any incorporated bank in the United States to discount any bond, obligation, promissory note, or bill of exchange, without requiring the same to be stamped: Provided such bank will pay thereon, into the Treasury of the United States, a duty, at the rate of five cents for every hundred dollars discounted as aforesaid.

An engrossed bill for the relief of Richard Dale was read the third time, and passed.

Ordered, That the title be, "An act for the relief of Richard Dale," and that the Clerk do carry the said bill to the Senate, and desire their concurrence therein.

Mr. KERR submitted the following resolution:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of so amending the laws of the United States, as that the militia called out under their authority may not be compelled to serve more than three months for a tour of duty.

In offering this resolution, Mr. KERR said his reason was, a belief that the present term of militia service, six months, often rendered the remainder of the year useless to the citizen when he returned from military duty; and when called to the defence of the seaboard, so long a tour was

frequently productive of disease and other evils, which he believed a shorter period of service would obviate.

The resolution was adopted.

RETALIATION.

Mr. LOVETT moved that the House do come to the following resolutions:

Resolved, That the President of the United States be requested to cause to be laid before this House, if, in his opinion, it will not be inconsistent with the public welfare, all the evidence in his possession relative to the commencement, progress, and present state of the system of retaliation upon prisoners of war, to which the Governments of the United States and Great Britain have lately resorted. Also, that the President of the United States will cause to be laid before this House the names of those prisoners of war who have been sent as criminals to England for trial. Also, evidence when and where those prisoners were captured; at what time they emigrated from the British dominions to the United States; when, and in what manner, they had incorporated themselves into our political society; also, whether any or all of said prisoners have been naturalized agreeably to the laws of the United States, and when; and all other evidence which may serve to show and define the national character of said prisoners of war.

2. *Resolved*, That the President of the United States be requested to cause to be laid before this House, if, in his opinion, it be not inconsistent with the public welfare, any documents, papers, evidence, or information, tending to show that naturalized subjects of Great Britain are, by her, employed in war against their native country, and that they are, by her, protected from punishment, either by means of retaliation, or otherwise, when taken by their native countrymen in arms against them, or in arms invading their territories.

3. *Resolved*, That the President of the United States be requested to cause to be laid before this House, if, in his opinion, it be not inconsistent with the public welfare, such evidence as he may have in his possession, relative to the orders, regulations, and proclamations, which, since the commencement of the present war, have been issued and promulgated in the provinces of Canada, by the Governor General of those provinces, or any other officer or agent of the British Government, relative to the state, condition, rights, and duties, of the native citizens of the United States, residing in those provinces; also, the number of such native citizens of the United States as have, during the present war, borne arms against the United States, within their limits, and what is the present situation of such citizens.

Mr. LOVETT observed: It cannot be necessary for me, sir, to occupy much of the time of this House in avowing the motives which have induced me to submit these resolutions to the consideration of the House; both the motives and the object must be palpable.

It is a fact, as notorious as lamentable, that the Government of the United States has entered upon a broad system of retaliation upon prisoners of war; that rapid strides in that system have already been made towards a very serious, and possibly, fatal result. By the progress made in this system many individuals are already de-

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prived of their personal liberty, and, in strong solicitude, are awaiting an uncertain fate. In every point of view the subject of retaliation is important. The *lex talionis* is bottomed upon necessity and policy; it is the *ne plus ultra* of civil warfare.

It is the solemn duty of the House to examine, with profound attention, the ground we are advancing upon. The President, in his Message, has called our attention to it; the voice of the nation and of humanity call us to it. We have already so far acted upon the subject as to refer that part of the Message to a select committee. The evidence required will be indispensable for that committee. Let them have it, and thoroughly investigate the business. If we have adopted untenable principles, the sooner they shall be abandoned the better; if questionable ones, the sooner they shall be examined the safer. I would equally avoid the too bold assertion of a doubtful right, as the pusillanimous surrender of an undeniable one. But, sir, if the principles of the *lex talionis*, as settled by the laws of nations, will bear us out in this system, then out let us go, even if we festoon the borders of our country with halters.

The resolutions were read, and ordered to lie on the table, and be printed.

WEDNESDAY, December 22.

Two other members, to wit: from Delaware, HENRY M. RIDGELY; and, from Ohio, JAMES KILBOURN, appeared and took their seats.

On motion of Mr. DAWSON, the Message from the President of the United States, of the 5th of February, 1805, transmitting sundry documents in relation to the claim, by the Danish Government, of restitution in the case of the brigantine Henrick, together with all the documents in relation to said claim, was referred to the Committee of Claims.

On motion of Mr. LATTIMORE, the Committee on the Public Lands were instructed to inquire into the expediency of making provision, by law, for the relief of such purchasers of public lands as may have committed an error in designating a tract different from the one intended to be entered, with leave to report by bill, or otherwise.

On motion of Mr. BEALL, the Committee on the Public Lands were instructed to inquire into the expediency of making provision, by law, for the sale of sections No. 15, 21, and 22, on the same terms, and at the same price, that other public lands are offered for sale, at the respective land offices within the State of Ohio.

The House proceeded, on motion of Mr. ARCHER, to consider an amendment proposed by him to the rules of the House, having for its object to establish an additional standing committee, to consist of seven members, viz: a Committee on Pensions and Revolutionary Claims, whose duties are made correspondent with this appellation; and the proposed amendment was agreed to by the House.

CONTESTED ELECTION.

Mr. SHIPHERD offered for consideration the following resolution:

Resolved, That the Committee of Elections be instructed to inquire whether Thomas K. Harris, a sitting member, is or is not entitled to a seat in this House.

[Mr. HARRIS's election was contested at the last session by Mr. KELLY, and, on application of Mr. HARRIS, time was granted to him to obtain testimony relative thereto.]

Some conversation took place between Messrs. GRUNDY, FISK, SHIPHERD, RHEA, PICKERING, and PITKIN, on the subject of this motion, in the course of which, it appeared that Mr. Kelly had declined reappearing to contest the election. It seemed to be conceded on all hands that the inquiry into the alleged illegality should not therefore abate; the only difference of opinion was as to the mode of bringing the subject before the House. The conversation issued in the withdrawal of the present motion by the mover; and

On motion of Mr. RHEA, of Tennessee, the report of the Committee of Elections at the last session, on the petition of Mr. Kelly, was recommended to the Committee of Elections, with such new evidence as should be offered to them for further consideration.

JOHN THOMPSON'S CLAIM.

On motion of Mr. ARCHER, the House resolved itself into a Committee of the Whole, on the report of the Committee of Claims on the petition of John Thompson, which recommends the adoption of the following resolution:

Resolved, That the petition of John Thompson ought not to be granted.

After considerable discussion between Messrs. ROBERTS and ARCHER, on the merits of the claim, the one for and the other against it, and some incidental remarks from Mr. GUNTER, the committee concurred in the report—ayes 77—and reported their concurrence to the House. Mr. ROBERTS moved that the report lie on the table. Negatived—63 to 44.

After some further discussion, in which Mr. SHEFFEY, Mr. ROBERTS, and Mr. FARROW, advocated the claim, and Mr. ARCHER opposed it, the report of the committee was concurred in by a large majority.

THURSDAY, December 23.

Another member, to wit: from Massachusetts, ARTEMAS WARD, appeared and took his seat.

On motion of Mr. ARCHER, a Committee on Pensions and Revolutionary Claims was appointed, consisting of Mr. INGHAM, Mr. CLOPTON, Mr. CHAPPELL, Mr. STUART, Mr. SAGE, Mr. ELY, and Mr. BEALL.

No other business being offered to the consideration of the House, a motion was made and carried to adjourn.

FRIDAY, December 24.

AYLETT HAWES, from Virginia, appeared and took his seat.

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On motion of Mr. EPPES, the petition of Burwell Bassett, contesting the election of Thomas M. Bayly, one of the Representatives from Virginia, together with all the papers which have been presented to the House, was referred to the Committee of Elections.

Mr. McKEE, from the Committee on Public Lands, made a report favorable to the petition of Daniel Boone; which was committed to a Committee of the Whole.

Mr. INGERSOLL, from the Judiciary Committee, reported a bill for the appointment of an additional judge in the Missouri Territory, and for other purposes; which was twice read, and committed.

On motion of Mr. INGERSOLL,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of altering the judicial system of the United States.

Resolved, also, That the same committee be instructed to inquire into the expediency of providing by law for the more effectual punishment of crimes against the United States; and that they have leave to report by bill or otherwise.

Mr. NELSON proposed a resolution for adjourning both Houses of Congress to Monday week.

Mr. N. assigned as reasons for this motion, the present inactivity of both Houses, owing principally to the committees not having matured business for their consideration. The recess would give them an opportunity of meeting more frequently, and, while he believed it would be an economy of their time and the public money, it would accommodate many members with an opportunity of visiting their families, &c. Messrs. GROSVENOR and STANFORD also supported the motion.

This motion was combatted by Messrs. RHEA, WRIGHT, and FARROW, on various grounds, the most forcible of which were, that the committees would not convene during such a recess, but avail themselves of the indulgence extended to their fellow members; and that, in the meantime, business of real importance might demand the attention of Congress.

The motion was negated, by yeas and nays.

MONDAY, December 27.

The SPEAKER being absent, the House adjourned.

TUESDAY, December 28.

ELIAS EARLE, from South Carolina, appeared, and took his seat.

The SPEAKER laid before the House the representation, addressed to the House, of J. B. Guenin, stating that he is a native of Louisiana, and a citizen of the United States; that he departed on commercial pursuits to England in the year 1809, bearing with him evidences of his citizenship; that, of these evidences, he was fraudulently dispossessed by a French officer, then prisoner in England, who, by their aid, made his escape to France, leaving the petitioner a pris-

oner in his stead; in consequence of which "odious act," the prisoner states that he has been detained prisoner since 1809, and is now on board a prison ship at Chatham, and prays the interposition of Congress in his behalf.

On motion of Mr. ROBERTSON, the memorial was referred to the Secretary of State.

Mr. ARCHER, from the Committee of Claims, reported a bill authorizing the payment for property captured or destroyed while in the public service, by the enemy of the United States; which was read twice, and committed to a Committee of the Whole.

Mr. McKEE, from the Committee on Public Lands, reported a bill granting Moses Hooke the right of pre-emption; which was read twice, and committed to a Committee of the Whole.

On motion of Mr. RHEA, of Tennessee, the Judiciary Committee were instructed to inquire into the expediency of extending the laws of the United States over those parts of States and Territories of the United States to which the Indian title, in pursuance of treaties, is not extinguished, in such manner, that all and every white person residing within any of said parts of States or Territories of the United States, may, and shall be subject to the operation of said laws.

The report of the Committee of Public Lands, in favor of the petition of Daniel Boone, passed through a Committee of the Whole, and was referred to a committee to bring in a bill pursuant thereto.

On motion of Mr. ARCHER, the Committee of Claims were instructed to inquire into the expediency of allowing to persons whose property had been impressed into the public service the full value thereof, if captured or destroyed by the enemy, or lost without negligence on the part of the owner; and, in case of restoration of the property, to allow pay for injury or detention of the same.

PETITION OF GENERAL SMYTH.

The SPEAKER presented a petition of Alexander Smyth, of the State of Virginia, praying to retain his rank in the line of the Army as a Brigadier General. The petition is as follows:

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The petitioner of Alexander Smyth, a citizen of Virginia, respectfully represents: That having, in 1807, written to an honorable member of the House of Representatives, that, in case of war with Great Britain, he was desirous to enter into the regular service, he received, in 1808, an appointment as colonel of a regiment of riflemen. That, although war had not commenced, yet the event being probable, he abandoned his profession, which was then lucrative, left his family, vacated his seat in the Senate of Virginia as the representative of thirteen counties, and joined the Army of the United States. That your petitioner had the good fortune to give the utmost satisfaction to his superiors, General Wilkinson, General Hampton, General Dearborn, and the late Secretary of War, while acting under their immediate orders; was promoted to the rank of Brigadier and Inspector General in July, 1812; given the command of a brigade in September, and of one of the Armies of the United

States in October, in the same year. That, at the expiration of five weeks, during which period he made every exertion in his power to serve the nation, he found it necessary to put his troops into winter quarters. Having determined on that measure, as your petitioner had been absent from his home the last eight winters, much the greater part of the last five years, and the whole of the last fourteen months, and had been refused leave to visit his family in the month of July preceding, and calculating that it was probable the campaign of 1813 might terminate his existence, he, without resigning his command, asked for leave of absence, which was granted until the 1st of March, 1813, at which time your petitioner was ordered to report himself to the Secretary of War. That your petitioner left his troops in cantonments, under the command of an officer of thirty-six years' experience; and in February 1813, reported himself by letter to the Secretary of War, and solicited orders; and, as the failure of your petitioner to take Fort George, York, and Kingston, and to winter in Canada, as he was instructed, had created some clamor, your petitioner proposed that an inquiry into his conduct should take place, which the Hon. Secretary, through the medium of the Adjutant General, was pleased to promise; since which time, your petitioner has not had the honor to hear from the War Office.

Your petitioner would further represent, that he has heard that some members of your honorable body are of opinion that, by an act of the last session regulating the staff of the Army of the United States, your petitioner has become a private citizen; and, with this opinion, his own might perhaps accord, were it not impossible to believe that the Congress of the United States, at their last session, could have intentionally committed an act of injustice.

Your petitioner affirms that he has not done or omitted anything to the injury of the nation; that his chief if not his only error has consisted in expressing too freely his indignation against those who had done injuries, or omitted to perform duties, to the nation. The motive which led astray, he conceives, might procure for this error forgiveness. That this affirmation is true, he believes he can satisfy a committee or committees of your honorable body on short notice.

Your petitioner has essayed to engage again in the pursuits of civil life; but he finds that, while the din of war continues, it is impossible for him to give the necessary attention to any peaceful pursuit. He desires to serve, to die, if Heaven wills it, in the defence of his country; a country that has protected his infancy, given him a family, and at times distinguished him with considerable honors; from whose Government no act of wrong, personal to himself, will force his esteem, while it maintains, with steady perseverance, that country's rights.

Your petitioner confidently trusts that, in deciding on his prayer, you will be mindful of the rule of justice:—"To others do, the law is not severe, what to thyself thou wishest to be done;"—and of the rule of policy:—"The social body is oppressed, when one of its members is oppressed."

The prayer of your petitioner is, that you will revise the act organizing the staff of the Army of the United States, and by a declaratory act preserve the rank of your petitioner, as a Brigadier General in the line, abolishing only his authority as Inspector General.

And your petitioner, &c. A. SMYTH.

Referred to the Secretary of War.

RELATIONS WITH FRANCE.

Mr. HANSON, of Maryland, announced his intention to offer a resolution to the House. He said that the information to be called for by at least one of the resolutions, which he should presently offer, was of a nature to require it to be placed before this body as early as possible. One subject excepted, perhaps no information in the power of the Executive was more important to both sides of the House. He did not, he said, mean to be understood as intimating that some, perhaps many, if not all of the political elect, of those initiated into the mysteries of Government, did not possess a minute knowledge of what was only known to him and others as being buzzed about by faint report. To be sure, said he, we who are political heretics, and of course under judgment of fiery condemnation—we, political unbelievers in the true faith, have no right to expect to be initiated into the ceremonies and mysteries of Government. But, sir, until you let into our minds the light of revelation, I beg we may not be cursed and condemned for what we are not permitted to know and comprehend. It had been said, Mr. H. remarked, by an eminent divine, of evangelical piety and much intellectual information, "that where mystery begins, there true religion ends." This observation, and in quoting it he meant no invidious allusion to any religious sect, applied with much more aptness and force to political than to religious or moral concerns. With all the acknowledged forecast and sagacity of the Chair, Mr. H. observed, the Speaker might not, from what little he had perhaps unnecessarily said on this subject, anticipate the nature of the information he was about to move for. He would therefore quote from the President's Message a passage which appeared to him to render the adoption of the first of the resolves he had before him perfectly proper, and indeed necessary. Mr. H. then recited the passage from the Message, which recommended the adoption of legal provisions for reciprocating the admission into our ports of vessels of friendly nations, who admit within their waters our public and private armed vessels. This part of the Message, he said, although the word France, was no where contained in it, related exclusively to that Government, her dependencies and allies. Now this part of the Message had been referred to a special committee; and as, in his judgment, an alliance essentially in fact, though not in form, already exists between our country and France, he begged, before the cords which bind us together are drawn closer, that Congress may be enabled to legislate intelligently and with wisdom on this subject. At this day, he said, after the very mortifying disclosures of facts in respect to our relations with France, it would not be disputed here that many humiliating injuries had been heaped by her Chief on this country. It would not be disputed that he had surprised, seized, and confiscated millions of our property perfidiously drawn within his grasp—to so great an amount as that, to use the language of our

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Minister, its very magnitude destroyed all hopes of its restitution. To say nothing of the very alarming evils which might ensue the admission into our ports of French vessels of war and privateers, it was certainly proper that this House, before legislating on the subject, should be apprized distinctly of the state of our relations with France. The second resolution he should offer he was perfectly content to let rest on its intrinsic merits; holding himself, however, bound to prove, if the House should let him, all the material facts connected with the subject, and out of which it had grown. Mr. H. then read in his place the following resolutions:

1. *Resolved*, That the President be, and he is hereby, requested to communicate to this House any information in his possession, and which may not be improper to divulge, in relation to the omission or refusal of the French Government to accredit the Minister Plenipotentiary sent by the United States to that Court; or, of his reception if accredited; of the time when he was so accredited; and of the progress of his negotiation.

2. *Resolved*, That the President be, and he is hereby, requested to cause to be laid before this House any correspondence with, or communication in writing from, the late Minister of France, resident at Washington, on or about the 14th of June, 1809, or subsequently with his successor, M. Serrurier, prescribing or declaring the terms and conditions upon which their Sovereign would consent to treat of amity and commerce with the United States, if any such correspondence or communication be in the possession of the Executive; and, if none such be in the possession of the Executive, that the President be, and he is hereby, requested to inform this House, unless the public interest forbid such disclosure, whether there has not been such a correspondence or communication, which was withdrawn from the archives of the Department of State, and, if so, when and how the same was so withdrawn.

Mr. GROSVENOR, of New York, called for the yeas and nays on the question of consideration; when it appeared there were—for consideration 124, against it 21, as follows:

YEAS—Messrs. Alexander, Alston, Archer, Avery, Barnett, Baylies of Massachusetts, Bayly of Virginia, Beall, Bigelow, Bowen, Boyd, Bradbury, Breckenridge, Brigham, Brown, Caperton, Calhoun, Champion, Chappell, Cheves, Cilley, Clark, Clopton, Comstock, Cox, Creighton, Crouch, Culpeper, Davenport, Davis of Pennsylvania, Desha, Dewey, Duvall, Ely, Eppes, Evans, Farrow, Fisk of Vermont, Forsyth, Franklin, Gastou, Geddes, Gourdin, Griffin, Grosvenor, Grundy, Hanson, Harris, Hasbrouck, Hawes, Hubbard, Hufty, Humphreys, Hungerford, Ingersoll, Irwin, Jackson of Rhode Island, Jackson of Virginia, Kent of New York, Kerr, Kilbourn, King of Massachusetts, King of North Carolina, Law, Lovett, Lowndes, Lyle, Macon, Markell, McCoy, McLean, Miller, Moffitt, Montgomery, Moseley, Murfree, Nelson, Oakley, Parker, Pearson, Pickering, Pickens, Piper, Pitkin, Pleasants, Post, Potter, John Reed, William Reed, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ringgold, Roberts, Robertson, Ruggles, Schureman, Seybert, Sharp, Sheffey, Sherwood, Shipherd, Smith of N. York, Smith of Virginia, Stanford, Stockton, Stuart, Sturges, Tallmadge, Taylor, Telfair, Thompson, Troup, Udree, Vose, Ward of

Massachusetts, Ward of N. Jersey, Wheaton, White, Wilcox, Wilson of Massachusetts, Wilson of Pennsylvania, Winter, and Yancey—124.

NAYS—Messrs. Bard, Bradley, Butler, Denoyelles, Findley, Fisk of New York, Forney, Gholson, Glasgow, Hall, Ingham, Kershaw, Lefferts, Newton, Sage, Sevier, Skinner, Smith of Pennsylv'a, Strong, Whitehill, and Wright—21.

Mr. EPPES, of Virginia, suggested the propriety of laying these resolutions on the table, and ordering them to be printed. This wish arose, not from any objection to the acquisition of the information therein required, but from a disposition to examine into their language and import, with a view to ascertain their accordance with that decorum and sense of propriety which ought to be observed by all branches of the Government towards each other; and it was obviously impossible to judge of them correctly on a casual hearing of them. He should, he said, feel no hesitation in voting for the object of the resolutions. On this as on all other occasions he was convinced the Government would not shrink from a full examination of its conduct in relation to our foreign concerns. It possessed no secrets with the people, except so far as temporary secrecy on particular points might be demanded by the general good. He did not mean to enter into a discussion of the resolutions; but he believed, he said, that since the last session of Congress no correspondence of an unfriendly character had passed between the Resident Minister from France and our Government, nor had any correspondence during that period been withdrawn from the Department of State. As to the first resolve, Mr. E. said, our Minister to France had been as far received and accredited as possible in the absence of the Executive of France from the seat of Government. The constituted authorities of the nation had expressed their satisfaction at the appointment of a man who holds so honorable and high a rank among his countrymen; and no circumstance had arisen to authorize the suspicion that our Minister in France would not be treated with the respect due to the representative of a friendly Power. Mr. E. concluded by moving that the resolves lie on the table and be printed.

Mr. HANSON said he had no objection to the course proposed to be given to his motion. He would merely state, in addition to the observations he had had the honor to make, that his object in submitting the first resolution was to ascertain distinctly from the Executive the precise state of our relations with France. To his mind, it appeared that an almost impenetrable veil had covered these relations. He wished that the veil might be rent, and their precise state exhibited to the public eye. It was proper for him to say, in addition, that if the second resolution should be adopted, and the House should afford him an opportunity, by a fair and liberal exertion of its Constitutional authority, he should be able to establish the fact that a letter of a most insolent nature had been addressed by the French Minister to this Government, reflecting on the honor, independence, and sovereignty, of the na-

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tion, requiring of the Government, before any steps were taken towards the formation of a Treaty of Amity and Commerce, that we should make sacrifices of the most dishonorable nature—that we should accede to a most oppressive system of policy, for the purpose of conciliating the favor of the French tyrant. Mr. H. said he should be able, he thought, to establish, to the satisfaction of the House, that, in consequence of the reception of that letter, which had been translated for the perusal of the Secretary of State, and by him laid before the President, a message had been sent to a gentleman in the neighborhood of the then residence of the French Minister, requesting him to take back that letter, which he most peremptorily refused to do. He should be able to prove, that in consequence of the failure of the application, the Secretary of the Treasury (now one of our Envoys to the Court of St. Petersburg) went to Baltimore, and in person solicited the French Minister to take back that letter, which he declined to do. He should be able to prove, if he had not been most grossly deceived and imposed upon, that the Secretary of State had addressed a letter to Monsieur Turreau, inviting him to the seat of Government, which invitation he declined accepting; that the Secretary of Legation, M. De Cabre, being on a visit to Washington, was applied to to withdraw that letter, which he declined doing, saying that it had been duly enrolled in the archives of State, and transmitted to his master. At that period, it would no doubt be recollected, a Minister from Great Britain, charged with an important negotiation, was on his way to this country, and that with him a controversy arose which terminated in the abrupt dismissal of that Minister. The point which he should be able to prove, and for which Mr. H. said he wanted that letter before the House, was, that that letter remained on the files of the Office of State, and was never withdrawn till the British Minister was dismissed. These were the facts which he was authorized to say there was the best possible reason for believing could be proved. If, then, the gentleman from Virginia had no objection to afford an opportunity for scrutiny into the conduct of the Government—if there was nothing in its conduct he wished to screen from examination—he would have no difficulty in assenting to these resolutions, and letting them go to the Executive. If it was untrue that any such letter had been received, let the nation know it. If true, a very different impression would be made on the minds of the people, than the conduct of the Government appeared to have made on that of the gentleman from Virginia.

Mr. EPPES said he had thought, from his indistinct hearing of its reading, that the second resolution embraced a correspondence supposed to have taken place with the French Minister since the adjournment of Congress. With respect to Turreau's letter, about which he had seen a great deal in the public prints, whether such a letter had been written, he did not undertake to say. That no such public letter now was or ever had been on the files of the Department of State, he

knew to be a fact. If such a letter had been addressed to Mr. Robert Smith, while Secretary of State, it was an insult to him as an individual, and not to the Government. Mr. Robert Smith was considered as a man of honor; and, when—

[Mr. EPPES had proceeded thus far, when the debate was checked by the Speaker, as being irregular on a motion for postponement, and Mr. E. was not permitted to conclude his remarks.]

The motion for laying the resolutions on the table was agreed to.

WEDNESDAY, December 29.

Four other members, to wit: from New Hampshire, WILLIAM HALL, and DANIEL WEBSTER; and from Massachusetts, SAMUEL DAVIS, and ABIEL WOOD, severally appeared and took their seats.

Mr. PICKERING presented the petition of Seecomb and Williams, and John Hunt, Jr., manufacturers of Roman vitriol, oil of vitriol, aquafortis, spirits of salts, &c., praying that additional duties may be imposed on the importation of said articles.—Referred to the Committee of Commerce and Manufactures.

Mr. PICKERING also presented a petition of Joseph Barker, William Orne, Charles H. Orne, and Stephen Philips, merchants, in the State of Massachusetts, stating that their respective vessels having taken in cargoes at St. Petersburg, in Russia, were proceeding on their voyages to the United States, and that, whilst at anchor in a neutral port, under the jurisdiction of the Government of Sweden, they were forcibly seized by a British ship of war, and have been condemned as lawful prize; and praying that the Government of the United States will demand compensation for their losses and injuries, from the Government of Sweden.—Referred to the Secretary of State.

Mr. JACKSON, of Rhode Island, presented the petition of Thomas Farmer of Rhode Island, principal owner of a vessel of the United States, captured by an armed vessel of the United States on its way to an American port, and condemned under the non-importation law, praying relief.—Referred to the Committee of Commerce and Manufactures.

Mr. MILLER, of New York, presented the petition of Michael Hogan, of Utica, New York, praying compensation for injury sustained by the forcible occupation by officers and soldiers of the Army of the United States, of a house belonging to him, and used by them as a barrack for the troops.—Referred to the Committee of Claims.

Mr. FINDLEY presented the petition of Charles Campbell, praying to be exonerated from a judgment obtained against him for a sum of money placed in his hands in 1792 for the payment of militia engaged in the Indian war.—Referred to the Committee of Claims.

Mr. INGERSOLL presented the petition of Hugh Ferguson, praying payment for a Revolutionary claim; and of Maria Horner, praying compensation for services rendered by her deceased hus-

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band in the present war.—Referred to a Committee of Claims.

Mr. I. also presented the petition of Bartholomew Renguenet, relating to certain exemptions the petitioner is desirous to obtain from the payment of duties on certain importations of Spanish cloths.—Referred to the Committee of Ways and Means, together with a petition of Stephen Singleton, of the same nature, also presented by Mr. INGERSOLL.

Mr. KING, of North Carolina, presented a petition from sundry inhabitants of the State of North Carolina, praying the aid and patronage of the General Government, in opening an inland navigation, which shall connect the waters of the Chesapeake bay with those of St. Mary's river, in the State of Georgia.—Referred to the Committee of the Whole to whom was committed the bill to authorize the Secretary of the Treasury to subscribe, on behalf of the United States, for shares in the capital stock of the Chesapeake and Delaware Canal Company.

The SPEAKER presented a petition of the Legislature of the Territory of Indiana, praying that the Militia of said Territory, who have been into actual service to defend it against the incursions of the Indians, may be paid out of the Treasury of the United States.—Referred to the Committee on that part of the President's Message which relates to a revision of the Militia System.

On motion of Mr. BAYLIES, the Committee of Ways and Means were instructed to inquire into the expediency of providing, by law, for the payment of such sums of money as may be justly due to the masters, commanders, or owners of vessels for transporting to the United States, from foreign ports, any destitute or distressed American seamen, under contracts made with said masters or commanders by any consul, vice-consul, or commercial agent of the United States, and that they have leave to report by bill or otherwise.

Mr. McKEE, from the Committee on Public Lands, reported a bill giving farther time to purchasers of public lands to complete their payments; which was read twice, and committed to a Committee of the Whole.

On motion of Mr. LOVETT, the resolutions moved by him some days ago (calling for information in respect to recent retaliatory measures) were referred to a Committee of the Whole, and made the order of the day for Monday next.

MISSOURI TERRITORY.

The House resolved itself into a Committee of the Whole on the bill for appointing an additional judge in the Missouri Territory.

In the course of the sitting, Mr. HEMPSTEAD, of Missouri, explained the circumstances under which he had been instructed by the Legislature of Missouri to move this measure. The settlement of Arkansas, for which an additional judge was asked, was situated, he said, at the distance of two hundred miles from New Madrid, where the courts are now held, and, since the late earthquakes, the road had become so nearly impassable, that a

circuit of three hundred miles was required to pass from one place to the other. So great a distance from the seat of justice obviously constituted, in matters of small amount, a denial of justice, and required the remedy now proposed, &c.

The bill was reported to the House, and ordered to be engrossed for a third reading.

DEPREDATIONS BY SOLDIERY.

The House resolved itself into a Committee of the Whole, on the report of the Committee of Claims, unfavorable to the petition of sundry inhabitants of the Indiana Territory, who pray compensation for damage sustained in their property by depredations of a detachment of the volunteer militia.

This report was opposed by Mr. JENNINGS and Mr. WRIGHT, on the ground of injustice; because, for every wrong there must be a remedy, and the Government alone could afford the remedy. The report was supported by Mr. ARCHER, on the principle of former decisions on similar cases, and on the general principle that the Government was not responsible for acts which were not done under its authority, as was the case now under consideration, the injury having been done in defiance of the exertions of the officers commanding the corps.

On motion of Mr. GRUNDY, the Committee rose without coming to a decision, reported progress and had leave to sit again.

Mr. PICKERING, of Massachusetts, then observed that the discussion which had just taken place appeared to him to render it a proper subject of inquiry, whether some provision could not be made which should guard against difficulty in such cases in future; with which view he moved the following resolution:

Resolved, That the Committee of Claims be and they are hereby instructed to consider what measures are practicable and proper for preventing injuries to the citizens of the United States in their persons or property by the armed forces of the United States, and to enable the sufferers to obtain indemnification for such injuries; and that they have leave to report by bill or otherwise.

Mr. P. said that it was seldom an armed force was detached, without an officer to command them. It was in all cases the duty of the officer to restrain them from committing injury; and if he did not use every exertion to restrain them, he was responsible. If all his exertions were ineffectual, it ought to be made, if it was not, his duty to bring the offenders to condign punishment.

On suggestion of Mr. ARCHER, Mr. PICKERING varied his motion so as to refer the subject to a select committee.

Mr. GROLSON said he could not see any benefit which could result from this motion though its adoption might do harm by leaving the inference that many such injuries had been committed. If they had, the sufferers would not have failed to make their grievances known. It was time enough to legislate a remedy when the evil was known to exist. Unless therefore it should appear that

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such injuries were habitually committed, he should be opposed to this resolve.

Mr. PICKERING observed that there could be no doubt of such cases having existed; in proof of which he quoted the short debate which had just taken place in Committee of the Whole, and the several petitions on the subject already referred at the present session.

Mr. WRIGHT, of Maryland, made a few observations, not heard by the reporter, in favor of affording relief in such causes.

Mr. GRUNDY, of Tennessee, suggested the propriety of a reference of this subject to the Military Committee, as best qualified properly to examine it.

Mr. PICKERING consented so to vary his motion as to refer it to that committee; and

The resolution was adopted by a large majority.

CHESAPEAKE AND DELAWARE CANAL.

The House resolved itself into a Committee of the Whole, on the bill authorizing the Secretary of the Treasury to subscribe, on behalf of the United States, to a certain number of shares in the stock of the Chesapeake and Delaware Canal Company.

A debate arose on an amendment proposed to the first section of the bill by Mr. STOCKTON of New Jersey, in the following words (after the amount of \$150,000, to be subscribed by the Government to the stock)—“and a like sum to the capital stock of a company formed, in virtue of an act of the Legislature of New Jersey, for the purpose of making a canal between the tide waters of the river Delaware and the Rariton in the State of New Jersey.”

Mr. STOCKTON supported, and Messrs. INGERSOLL, WRIGHT and CLAY (Speaker) opposed this motion.

No objection was avowed to the object of the bill, or the amendment; but it was contended by the opponents of the latter that it would have a tendency to defeat the object of the bill, by burdening it with matter foreign to its immediate object.

After considerable discussion, the Committee rose, reported progress, and obtained leave to sit again.

THURSDAY, December 30.

The SPEAKER presented a petition of the President, Managers, and Company, for erecting a bridge over the river Susquehannah, in the county of Lancaster, in the State of Pennsylvania, at or near the town of Columbia, praying an exemption from the operation of the law taxing bank notes, having invested a large proportion of their capital stock in a banking institution.—Referred to the Committee of Ways and Means.

An engrossed bill for the appointment of an additional Judge for the Missouri Territory, and for other purposes, was read the third time and passed.

Resolved, That the Committee on that part of the President's Message which relates to a revision of the militia system, be instructed to inquire

into the justice and expediency of making an appropriation by law for the payment of a detachment of the militia of the State of Tennessee, ordered into service by the Executive of the said State, for the purpose of repelling a hostile incursion of the Creek Indians, and guarding and protecting the frontiers, which detachment was commanded by Brigadier General Thomas Johnson, and that they report by bill or otherwise.

NON-IMPORTATION LAWS.

Mr. CALHOUN, from the Committee on Foreign Relations, reported a bill for the more effectual enforcing of the non-importation laws, by forbidding the courts to deliver to the claimants, pending the trial, merchandise or other articles seized under the same; which was read twice, and committed to a Committee of the Whole.

The bill is as follows:

A bill for the more effectual enforcing of the non-importation laws, by forbidding the courts to deliver to the claimants, pending the trial, merchandise or other articles seized under the same.

Be it enacted, &c., That whenever any goods, wares, or merchandise, shall have been seized, for a violation of any law or laws of the United States, which is now or may hereafter be passed prohibiting the importation of the same, or any ship or vessel, boat, raft, carriage, or other vehicle, which shall have been libelled before any court having competent jurisdiction for the trial of the same, it shall not be lawful for the said court to order or direct that the said goods, wares, or merchandise, ship, vessel, boat, raft, carriage, or vehicle, shall be delivered to the claimant or person pretending to have a right to the same, upon executing a bond for the value thereof, or in any other way or manner, until the question of the forfeiture of the said articles shall have been duly examined and tried before the said court, and unless the said court shall adjudge that the said articles are not liable to forfeiture, and shall order and decree the same to be restored. But the said articles seized and libelled as aforesaid shall be and remain in the custody and safe-keeping of the collector of the customs by whom the seizure shall have been made, as the court may direct, until a decree of condemnation or restoration shall have been duly made and pronounced: *Provided nevertheless*, That in case any articles seized and libelled as aforesaid shall be proved to the satisfaction of the court to be in a perishing condition, it shall be lawful for the said court to order and direct that the same be sold by the marshal or other proper officer of the court, due notice of such sale being previously given, at public auction, to the highest or best bidder; and the proceeds of such sale shall be and remain in the hands of the marshal or such officer as the court shall direct, until the final decree in the case shall be pronounced, and shall then be paid over by the said marshal or other officer in conformity with the said decree.

RANSOMING OF VESSELS, &c.

Mr. CALHOUN from the Committee on Foreign Relations, reported a bill to prohibit the ransoming of ships or vessels of the United States, and the goods or merchandise on board the same, captured by the enemies thereof; which was read twice, and committed to a Committee of the Whole. The bill is as follows:

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A bill to prohibit the ransoming of ships or vessels of the United States, and the goods and merchandise on board the same, captured by the enemies thereof.

Be it enacted, &c., That, from and after the — day of — next, it shall not be lawful for the owner or master of any ship or vessel, or the owner of any goods, wares, or merchandise, on board the same, or for any person in their behalf, or in any manner, to ransom or enter into any contract or agreement for ransoming any ship or vessel, or any goods, wares, or merchandise, on board the same, which shall have been captured by the ships, subjects or citizens of any State or country at war with the United States.

Sec 2. *And be it further enacted,* That all contracts and agreements which shall be entered into, and all bills, notes, and other securities or obligations, which shall be given by any person or persons for ransom of any such ship or vessel, or of any goods, wares, or merchandise, on board the same, contrary to this act, shall be wholly void in law and of no effect whatever.

Sec. 3. *And be it further enacted,* That if any person shall, after the said — day of — next, ransom, or enter into any contract or agreement for ransoming any ship or vessel captured as aforesaid, or any goods, wares, or merchandise on board the same, such person so offending shall for every such offence forfeit and pay a sum not exceeding ten thousand dollars, nor less than one thousand dollars, to be recovered by action of debt, or by indictment or information before any court having competent jurisdiction.

CHESAPEAKE AND DELAWARE CANAL.

On motion of Mr. INGERSOLL, of Pennsylvania, the House, by a vote of 70 to 60, again resolved itself into a Committee of the Whole, on the bill authorizing a subscription to the stock of the Chesapeake and Delaware Canal Company—The amendment proposed by Mr. STOCKTON, for incorporating in the bill a like provision in relation to the canal between the Rariton and Delaware, still under consideration.

Mr. STOCKTON insisted on his amendment, which was also supported by Mr. TAYLOR of New York, and opposed by Messrs. INGERSOLL, WRIGHT, and FARROW.

Mr. CALHOUN expressed a doubt as to the propriety of the location of these canals in reference to a connected chain of inland communication from North to South, and intimated a desire for further information relative to the same. He was not opposed to the object of the bill.

Mr. STOCKTON then moved that the Committee rise, report progress, and ask leave to sit again. He grounded his motion on an allegation, that if time were allowed, he should be able to produce information in relation to the merits of the proposed canal in New Jersey, that would be entirely satisfactory.

The motion was supported by Mr. BIGELOW, and opposed by Mr. INGERSOLL.

It was decided in the affirmative—ayes 81.

On suggestion of Mr. MACON, with the consent of Mr. STOCKTON and Mr. INGERSOLL, the further consideration of the bill was postponed to, and made the order of the day for, Monday week.

And on motion, the House adjourned until tomorrow.

FRIDAY, December 31.

Mr. EPPES, from the Committee of Ways and Means, reported a bill to amend the act laying duties on notes of banks, bankers, and certain companies; and notes, bonds, and obligations discounted by banks, bankers, and certain companies; and on bills of exchange of certain descriptions; which was read twice, and committed to a Committee of the Whole.

Mr. ARCHER, from the Committee of Claims, reported a bill to compensate Michael Hogan for the occupation of, and damages done to, his house, by a detachment of the United States' troops; which was read twice, and committed to a Committee of the Whole.

A Message from the Senate informed the House that the Senate have passed a joint "resolution relative to the brilliant achievement of Lieutenants Burrows and McCall;" also, a joint resolution expressive of the sense of Congress of the gallant conduct of Captain Oliver Hazard Perry, the officers, seamen, marines, and infantry acting as such, on board of his squadron;" in which resolutions the Senate desire the concurrence of this House.

The first mentioned joint resolution was read twice, and referred to the Committee on Naval Affairs.

The last mentioned joint resolution was read twice, and referred to the Committee on Naval Affairs.

The SPEAKER laid before the House a letter from the Commissioner of the General Land Office, respecting the lands belonging to the United States; which was read, and referred to the Committee on the Public Lands.

On motion of Mr. CROUCH, the Committee of Ways and Means were instructed to inquire whether any, and, if any, what, alteration or amendments are necessary to be made by law, in the acts relative to establishing the compensations of the collectors of the customs in the ports of the United States, and that they have leave to report by bill or otherwise.

The bill granting to Moses Hook the right of pre-emption to a tract of land, passed through a Committee of the Whole, and was ordered to be engrossed for a third reading.

CLAIM FOR HORSES, &c.

Mr. ARCHER, from the Committee of Claims, made a report on the petition of Kenzie and Forsythe. The report is as follows:

That the petitioners were traders at Chicago at the time of its evacuation by the American forces, and were in possession of a quantity of gunpowder and whiskey, which they had brought there for the purpose of selling. As the longer possession of that post, daily surrounded with hostile Indians, became dangerous, the commanding officer resolved to evacuate the fort, and to destroy the public property; and, as the Indians were expected to take immediate possession of the place, Major Heald advised the petitioners to permit their property to be also destroyed, in order to prevent it from falling into the hands of the enemy; which was accordingly done. The fort was evacua-

ted, and taken possession of by the Indians immediately. In order to assist the party to make their escape, a number of horses and mules were furnished by the petitioners, which were captured about two miles from the fort.

For the destruction of the whiskey and gunpowder, and for the loss of the horses and mules, the petitioners claim compensation.

The committee believe that the horses and mules should be paid for by the Government, inasmuch as they were in the service of the United States, and were captured by the enemy; and have reported to the House a bill, which, if passed, will extend relief to them. But they cannot conceive that the petitioners can have any claim for a compensation on account of the destruction of their property, because it had been brought by the petitioners, who were traders, to that place, for purposes of speculation. Nor do their pretensions to remuneration appear to receive any strength from the circumstance of the destruction of this property by an officer of the Government, because it would otherwise have fallen into the hands of the Indians, where it would have been lost to the claimants. They accordingly ask leave to propose the following resolution:

Resolved, That the petition of Kenzie and Forsythe, so far as it prays for compensation for their gunpowder and whiskey, destroyed as aforesaid, ought not to be granted.

The report was referred to a Committee of the Whole to-morrow.

CONDUCT OF THE WAR.

Mr. BRADLEY, of Vermont, said it was well known, that late in the last session of Congress he had offered a resolution for inquiring into the causes of the disasters on our frontier, which had not received the approbation of the House. The objections to the course which he then proposed to pursue appeared now to have lost much of their force, whilst the reasons which recommended its adoption had daily gathered strength. He now again proposed to offer a like resolution to the House, under the persuasion that under any circumstances it was necessary. If a change were even likely to take place in the state of our present relations to foreign Powers, justice to the parties concerned required the adoption of the motion. If the war continued, the inquiry was doubly necessary, that it might be made more efficient for the future. Mr. B. said he would not anticipate any objections to his resolution, but would content himself with observing, that it was founded in a sense of justice to the Executive, and not inconsistent with that confidence justly due to it. He had adopted a phraseology, too, which he believed would remove many of the objections urged to it at the last session. Under these impressions he proposed the following resolution:

Resolved, That the President of the United States be requested to cause to be laid before this House any information in his possession, not improper to be communicated, which may tend to illustrate the causes of the failure of the arms of the United States on the Northern frontier.

Mr. MILLER, of New York, expressed his hope that the gentleman from Vermont would permit

his resolution to lie on the table for a day or two—not that he was opposed to it, for he was zealously favorable to its object, but because he wished to move some amendments to the resolution, which would require more time than would be now afforded for reflection on the subject.

Mr. BRADLEY declined assenting to a postponement.

Mr. WRIGHT, of Maryland, submitted to the mover, whether the fact was, as stated, that our army have failed? Such was not his impression.

Mr. MURFREE, of North Carolina, required the yeas and nays on the passage of the resolution.

Mr. TROUP, of Georgia, said that if an inquiry of this sort was expedient at all, the shape of the proposition was perhaps as little exceptionable as could have been given to it. But a military inquiry, under any circumstances, was a matter of so much delicacy, that it ought to be well weighed and entered into with much caution and circumspection. This arose from the nature of such inquiries. Secrecy was the soul of military operations. Their details ought to be known to those concerned only; for, if imparted to others, perchance they might find their way to the enemy. It was very well known that military investigations frequently took place in the British House of Commons; but the invariable object of them was to turn out the Ministry. Such an inquiry, however, rarely was instituted even there; and whenever successfully urged, it had invariably been when the object of an expedition or campaign had been abandoned. Mr. T. said he should have liked to have heard from the mover of the resolution something like argument; that much more of advantage would result from the adoption, than of evil that might ensue from it. Suppose any possible result of the inquiry—suppose, for instance, that by the communication, in answer to this resolution, it should be shown that General Wilkinson had been prevented by bad weather from commencing his operations in due season; that, when he reached St. Regis, General Wilkinson, without forming a junction with General Hampton, had proceeded on Montreal; or that, even having formed such a junction, it would have been unmilitary for him to proceed onwards; suppose it should turn out that there had been the best military conduct possible on the part of all our Generals; or, that the object of the campaign failed to be accomplished in consequence of the misconduct of either of them, or was the result of cowardice or treason; suppose any result, probable or improbable, and where is the Constitutional remedy? How would the gentleman lay his hand on the delinquent? An investigation, it appeared to him, could not properly be made by a tribunal which had not the power to apply the remedy. The investigation, as well as the remedy, rightfully belonged to another department of the Government. Martial law was the only proper corrective to be applied to misconduct of military men. Not, Mr. T. said, that he was opposed to every species of military inquiry. Far from it. There were cer-

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tain species of such inquiry which it might be perfectly proper to institute. For the purpose of new modeling an army, abolishing certain descriptions of force or grades of office, such inquiries might be necessary. But, said he, for the purpose of reaching any particular military commander, who is supposed to have forfeited the confidence of the people, the remedy is not yours; it belongs to the Executive. Not having the remedy in our hands, the inquiry cannot be productive of any advantage to the public concerns. But with respect to some evils which may result, Mr. T. said he would add a few words. What description of evidence would be necessary to the intelligent prosecution of such an inquiry? Nothing short, certainly, of the plan of the campaign, the correspondence between the General, and the correspondence of the Generals with each other, &c. Mr. T. dwelt on the evils which would result from exposing to the enemy a plan of the campaign, &c. Unfortunate as the termination of this campaign might have been, it would become more so by exposing to the enemy the official details of its plans and progress. Wherever we had experienced during the war any thing of disaster or defeat, it was attributable to our ignorance of the force of the enemy. It was therefore obviously important to us to follow the example of the enemy in this respect, and keep him as much as possible in ignorance of our military operations. He may occasionally derive information from a traitor or deserter; but information so acquired bore no comparison to the injury which would result from affording the enemy official information on these matters; and such official information, he presumed, would alone satisfy the object of the gentleman's motion. He hoped therefore it would not pass.

Mr. BRADLEY said, if he could suppose that by the adoption of his resolve, the House would in any way afford aid to the enemy, however gratifying its passage might be to him personally, he would most willingly abandon it. But, if the gentleman had attended to the terms of the resolution, he would have seen that the information to be communicated was left discretionary with the President; and he was a competent judge of what could properly be communicated. He asked not for the plan of the campaign, but for those causes of its failure which it was not improper for the country to know. Neither was it his object, Mr. B. said, to call in question the sagacity or conduct of the Department of War; nor to take any part in the differences supposed to exist between the officers of the Army, or to impute any want of generalship to either of them. His object was to ascertain why all the movements of our army had been so inoperative, and had disappointed the expectations entertained by all men—the reasonableness of which the President in his Message seemed to have recognised. It ought not to be supposed, because this or that General did not move in a particular direction, that this state of things exists. The causes ought to be ascertained, and made known to the House, to enable them, if within their province, to pro-

vide a remedy. Without such knowledge it was impossible the Executive and Legislature could ever move together. Money might be wanted; men might be wanted. Could not Congress supply a remedy for either of these defects? It might be that the very opposition of the Northern States to war was the cause of its ill success. If so, said he, let the blame fall on them; and I trust in God we shall apply the remedy. Whatever be the cause of the failure of our arms, it is proper this House and the people should know it; and I therefore hope the resolution will pass.

The question on the passage of the resolution was then decided in the affirmative—yeas 137, nays 13, as follows:

YEAS—Messrs. Alexander, Alston, Anderson, Archer, Avery, Barnett, Baylies of Massachusetts, Bayly of Virginia, Beall, Bigelow, Bradbury, Bradley, Breckenridge, Brigham, Caperton, Caldwell, Champion, Cillely, Clark, Clopton, Comstock, Conard, Cox, Crawford, Creighton, Crouch, Culpeper, Davenport, Davis of Massachusetts, Davis of Pennsylvania, Denoyelles, Desha, Dewey, Duvall, Ely, Eppes, Fisk of Vermont, Fisk of New York, Forney, Forsyth, Franklin, Gaston, Geddes, Glasgow, Gourdin, Griffin, Grundy, Hale, Hall, Harris, Hasbrouck, Hawes, Hubbard, Hufty, Humphreys, Hungerford, Ingersoll, Irwin, Johnson of Virginia, Kennely, Kent of New York, Kent of Maryland, Kerr, Kershaw, Kilbourn, King of Massachusetts, King of North Carolina, Law, Lefferts, Lewis, Lovett, Lowndes, Lyle, Macon, McCoy, McKee, Miller, Moffit, Montgomery, Moore, Moseley, Murfree, Markell, Nelson, Newton, Ormsby, Parker, Pearson, Pickering, Pickens, Piper, Pitkin, Pleasants, Post, John Reed, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ridgely, Ringgold, Roberts, Robertson, Ruggles, Sage, Schureman, Seybert, Sharp, Sheffey, Sherwood, Shipherd, Skinner, Smith of New York, Smith of Pennsylvania, Smith of Virginia, Stanford, Stockton, Strong, Stuart, Sturges, Taggart, Tallmadge, Taylor, Telfair, Thompson, Udree, Vose, Ward of Massachusetts, Webster, Wheaton, White, Wilcox, Wilson of Massachusetts, Wilson of Pennsylvania, Winter, Wood, and Yancey.

NAYS—Messrs. Bard, Bowen, Chappell, Gholson, Grosvenor, Hanson, Oakley, Potter, Sevier, Troup, Ward of New Jersey, Whitehill, and Wright.

So the resolution was passed, and a committee was appointed to wait on the President with the same.

MONDAY, January 3, 1814.

Mr. PLEASANTS presented a petition of sundry inhabitants of the State of Virginia, praying the aid and patronage of the General Government in opening an inland navigation from the waters of Chesapeake bay to St. Mary's river, in the State of Georgia.—Referred to the Committee of the Whole, to whom is committed the bill to authorize the Secretary of the Treasury to subscribe, on behalf of the United States, for seven hundred and fifty shares of the capital stock of the Chesapeake and Delaware Canal Company.

Mr. EPPES, from the Committee of Ways and Means, reported a bill making certain partial appropriations for the year 1814; which was read

twice and committed to a Committee of the Whole.

Mr. EPPES, from the same committee, reported a bill to amend the seventh section of the act, entitled "An act to lay and collect a direct tax within the United States;" which was read twice and committed to a committee of the Whole.

Mr. MCKEE from the Committee on the Public Lands, reported a bill for the relief of Daniel Boone; which was read twice, and ordered to be engrossed and read a third time to-morrow.

Mr. LOWNDES, from the Committee on Naval Affairs, reported the joint resolution from the Senate, "relative to the brilliant achievement of Lieutenants Burrows and McCall;" also, the joint resolution from the Senate, "expressive of the sense of Congress of the gallant conduct of Captain Oliver Hazard Perry, the officers, seamen, marines, and infantry acting as such, on board of his squadron," without amendment.

Ordered, That the said resolutions, together with the letter from the Secretary of the Navy, which accompanies them, be referred to a Committee of the whole House to-day.

The engrossed bill granting the right of pre-emption to Moses Hook, was read a third time, passed, and sent to the Senate.

CONTESTED ELECTION.

Mr. FISK, of Vermont, from the Committee of Elections, made a report on the petition of Mr. Kelly, contesting the election of Mr. HARRIS, a sitting member from the State of Tennessee.

The report was referred to a Committee of the Whole, and is as follows:

That a correct statement of the poll, and the law of Tennessee governing the said election, will be found in the report of the Committee of Elections, made in this case at the last session of Congress; from which, it appears that the inspectors of the election in the county of Warren returned two more votes for Mr. Harris than were given for him, which gave to him a majority of one vote over Mr. Kelly; that, deducting these two votes from Mr. Harris's poll, leaves Mr. Kelly a majority of one. Mr. Harris now produces evidence, which raises a strong presumption that the deputy sheriff who conducted the election in the county of Rhea, in said district, improperly added three or more votes to Mr. Kelly, and destroyed a like number given to a Mr. Rodgers, who was also a candidate; and to show that Pleasant Bean, and Daniel Obarr, who voted for Mr. Kelly, were not entitled to vote. A decision on the charge against the deputy sheriff not being likely to affect the result of the election, the committee pass it with no other remark than that the evidence leaves a strong impression that he conducted very imprudently. The affidavits of Bean and his father prove that the son was but eighteen years of age at the time of the election, and therefore not entitled to vote. By the testimony of Obarr, he had not a freehold in the district, nor had he been living more than three months in the same at the time of the election. By the third article of the constitution of Tennessee, it is provided that "every freeman of the age of twenty-one years and upwards, possessing a freehold in the county wherein he may vote, and being an inhabitant of this State; and every freeman being an inhabitant of any one county in the State six months immediately preceding

the election, shall be entitled to vote for members of the General Assembly for the county in which he shall reside."

The committee are of opinion that that branch of this article, which proscribes the second qualification of the voter, restricts him to vote in the county wherein he has been an inhabitant six months immediately preceding the day of election, and permits him to vote nowhere else; and, therefore, Daniel Obarr had not a right to vote in this election. That, deducting from the poll of Mr. Kelly the two votes given by Bean and Obarr, leaves Mr. Harris a majority of one, and entitles him to a seat in this House. The committee, therefore, respectfully submit the following resolution:

Resolved, That William Kelly has not supported his petition, and that Thomas K. Harris is entitled to his seat in this House."

FOREIGN RELATIONS.

Mr. WEBSTER, of New Hampshire, said that it would be remembered that, at the last session, a Message was received by the House from the President, in answer to certain resolutions of the House, relative to the repeal of the French decrees. This Message was referred to the Committee on Foreign Relations, who made their report. On this report the House did not act at that session. I now rise, said Mr. W., for the purpose of submitting a motion, which shall again bring the subject before the House. I mean, sir, that the Message and the report of the Committee of Foreign Relations thereon, be again referred to the same. I understand such a reference, or some similar proceeding, to be necessary, in order to bring the subject again regularly before us. I am induced to this, as well by the intrinsic importance of the matter contained in the report of the Secretary of State, as by an unwillingness that the manner in which the resolutions of the House were answered on that occasion should quietly pass into a precedent. I deprecate the idea, that when this House, which is the inquest of the nation, calls for information on certain specific points, the call is to be answered by an elaborate argument, and that such argument is to be holden to be conclusive on the judgment of the House and of the nation.

The subject to which the Message and the report of the Secretary relate, has lost none of its importance. It remains an object of great interest, to those especially who have been and still are dissatisfied with the professed grounds of the war.

This House, by an almost unanimous vote, has recently expressed its sense of the necessity of an inquiry into the causes of the failure of our arms. I agree, sir, with the general sense of the House, and with what I am persuaded is equally the general sense of the community. It is doubtless necessary to know if there be not something wrong or defective in the conduct of the war. But is it not equally important to inquire, if there were nothing wrong or defective in the original commencement of it? May it not have been ill-judged and ill-timed in the beginning, as well as ill-conducted since? There may be, sir, a want of better armies and better generals. Let us in-

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quire if there be not also the want of a better cause—I mean a cause that stands clearer in regard to the justice and necessity of the war; a cause that approves itself better to the judgments and consciences of those whose efforts are indispensable to its vigorous prosecution. If its advocates can show satisfactorily that this war was undertaken on grounds plainly and manifestly just; if they can show that it was necessary and unavoidable; if they can show that it is strictly an American war; that it rests solely on American grounds; and that it grew out of a policy just and impartial, as it related to the belligerents of Europe—if they ever make all this manifest, the war will change its character. It will then grow as energetic, as it now is feeble. It will become the cause of the people, and not the cause of a party. The people would then maintain their own cause, with vigor and effect. In such a cause, Government would have nothing to do but to direct the spontaneous action of the community. It now has to create that action, by the application of every artificial stimulus that can be invented. In such a cause, we should not have been, at the end of two drivelling campaigns, farther from our object—the conquest of Canada—than when we began. No, sir, Canada, to the walls of Quebec, would have been yours in thirty days, if the cause had been one with which the whole people had been satisfied, and which they had espoused with ardor.

The SPEAKER here said, that it was necessary, before further discussion, for the House to decide whether it would now consider the motion.

Mr. WEBSTER was not aware that such vote of consideration was necessary, on a mere motion to refer a subject. If such, however, were the course, he should submit to it.

Mr. WEBSTER's motion, which originally contemplated a reference of the subject to the Committee of Foreign Relations, was so modified as to propose a reference to a Committee of the Whole.

And the motion to refer the same to a Committee of the Whole, was agreed to.

On the question to make the same the order of the day for Monday next—

Mr. WRIGHT said he hoped this subject would not be marked for Monday next. It will be recollected, said he, that the great and important business of the Army and Navy, which ought, in the opinion of every patriot, to occupy the House uninterruptedly, until they are properly provided for, and satisfactorily disposed of will engage us far beyond that time; that it will be improper to occupy the time of this House in that *petit guerre* against the Administration, while the attention of the House ought to be pre-occupied on the foreign war we are now engaged in against Great Britain and her savage allies. I would ask the *quo animo* by which this business is brought before us, as well as the *cui bono*—is it to strengthen the arm of Government or to paralyze it? Can it be the object of gentlemen who were opposed to the war to protract it, by sowing the seeds of dissension against the Government? I can as-

sure him that it is the wish of the gentlemen who declared the war to effect the object of it, to wit—an honorable peace, and that without delay. I do hope that the friends to the prosecution of the war with energy and effect, will not agree to take up that subject at the time proposed; and, sir, to enable them to express their opinions, I will move that they be taken up on the fourth of March, the ides of March being a memorable day in the annals of history, and in my judgment a proper time to take up a subject of the complexion of the one now under consideration, and this House will recollect, that they are now called on to secure the blessings purchased by the blood of their fathers, the patriots of the Revolution, and hand them down unimpaired to posterity.

Mr. RHEA, of Tennessee, said he was opposed to the motion of the gentleman from Maryland, because it put off the subject to a distant day, the effect of which may be a go-by to the consideration of what he deemed ought to be attended to immediately. During the last session of Congress, the resolutions presented by the gentleman from New Hampshire were agreed to, and a report was communicated to the House accordingly. The Committee of Foreign Relations had the same under consideration, and reported thereon. That report might have been acted on at the last session, but a press of business was urged as a reason for delay. Now, at this session, a postponement is contended for, because a consideration of the subject will prevent, as is said, the important business relating to the Army and Navy. That business increases as the end of a session approaches is well known. If the motion prevails, a go-by will probably be given to the whole subject, instead of being promptly met and decided. A consideration of it will not necessarily take much time, and the House may continue the longer in session each day. An agreement to the motion of the gentleman from New Hampshire will not oblige the House to an uninterrupted discussion of the subject; for, that the House can at any time delay it, and attend to other important business, is well known. With the *quo animo* and *cui bono* by which this business was brought before the House, the House, it is presumed, have nothing to do; but, if otherwise, this House ought immediately to act on it. How the friends of a vigorous prosecution of the war will decide on the motion of the gentleman from Maryland is unknown, but the discussion of that question will not be evidence to determine who are, or who are not, for a vigorous prosecution of the war; but, if otherwise, the principal question ought to be immediately determined, that that may be ascertained. The motion is, to postpone the subject to the fourth day of March next—the ides of March—to enable the friends of the prosecution of the war to express their opinions thereon. I thank the gentleman, said Mr. R., for his offered indulgence, but I desire it not. I am now prepared to express my opinion. That the ides of March are memorable in the annals of history is true. The ides of March are memorable, because, on that day,

Julius Cæsar, who at that time was at the head of the Roman Government, was destroyed. The introduction of the memorable ides of March will not help the argument in support of the motion to postpone the consideration of the subject to the ides of March next, in the mode contended for. Let, then, the motion last made be negatived, and the motion of the gentleman from New Hampshire prevail, so that the subject may be dismissed as soon as can be, that the people of this nation may know the conclusion and the votes of their representatives thereon.

The question on the postponement to the 4th Monday in March next, was decided by yeas and nays—For postponement 69, against it 82, as follows:

YEAS—Messrs. Alexander, Archer, Avery, Bradley, Brown, Burwell, Caldwell, Clark, Comstock, Conard, Creighton, Crouch, Denoyelles, Desha, Duvall, Earle, Eppes, Evans, Findley, Fisk of New York, Forney, Forsyth, Franklin, Glasgow, Gourdin, Griffin, Hall, Hubbard, Ingham, Jackson of Virginia, Kennedy, Kent of Maryland, Kershaw, Kilbourn, King of North Carolina, Leferts, Macon, McCoy, McKee, McKim, Moore, Nelson, Newton, Ormsby, Parker, Pickens, Piper, Pleasants, Ringgold, Robertson, Sage, Sevier, Seybert, Sharp, Skinner, Smith of Pennsylvania, Smith of Virginia, Stanford, Strong, Tannehill, Taylor, Telfair, Troup, Udree, Ward of New Jersey, Whitehill, Wilson of Pennsylvania, Wright, and Yancey.

NAYS—Messrs. Alston, Anderson, Barnett, Baylies of Massachusetts, Bayly of Virginia, Bigelow, Boyd, Bradbury, Breckenridge, Brigham, Butler, Caperton, Calhoun, Champion, Chappell, Cheves, Cilley, Clifton, Cox, Culpeper, Davenport, Davis of Massachusetts, Davis of Pennsylvania, Dewey, Ely, Fisk of Vermont, Gaston, Geddes, Gholson, Grosvenor, Grundy, Hale, Harris, Hasbrouck, Hawes, Hufty, Hungerford, Ingersoll, Irwin, Jackson of Rhode Island, Kent of New York, Kerr, King of Massachusetts, Law, Lewis, Lovett, Lowndes, Lyle, McLean, Miller, Moffitt, Moseley, Markell, Pickering, Pitkin, Post, Potter, John Reed, William Reed, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ridgely, Roberts, Schureman, Sheffield, Sherwood, Shipherd, Smith of New York, Stockton, Stuart, Sturges, Taggart, Thompson, Vose, Ward of Massachusetts, Webster, Wheaton, White, Wilcox, Wilson of Massachusetts, and Winter.

So the postponement was not agreed to.

Mr. GRUNDY, of Tennessee, who had voted in the minority on the last motion against postponement to the 4th March, now moved to postpone it to the first Monday in February.

Mr. WEBSTER opposed so long a postponement, though he intimated that he should feel no objection to a postponement for two weeks.

Mr. GASTON, of North Carolina, also opposed so long a postponement, which he feared would have the appearance of giving the go-by to this discussion. He should not object to two weeks' postponement, at which time, if in the way of business of greater urgency, it would doubtless not be pressed by gentlemen on his side of the House.

Mr. DESHA, of Kentucky, expressed his opinion that this subject had been sufficiently dis-

cussed at the last session. The House had obtained thereon all the information within its control; and he could not see why they should take up the time of the House in further discussion. He, therefore, moved that the business be postponed indefinitely.

The SPEAKER declared this motion, in the present stage of the business, to be out of order.

Mr. CALHOUN, of South Carolina, said, that he hoped that the motion for the first Monday in February would not succeed. He preferred Monday next, because it was the day designated by the gentleman himself who had first agitated this subject. Mr. C. believed that a great majority of this House and of the nation were already satisfied, in relation to the topics to be embraced by the proposed discussion. If the gentleman, however, was not satisfied himself, and wished a further opportunity to create doubts of the justice or necessity of the war, he wished to give the gentleman his own time to prove it unjust. And here, said Mr. C., if not out of order, let me set the gentleman right as to a remark he made in his preliminary observations. The gentleman called upon gentlemen on this side of the House to prove the justice of the war. That is not necessary; it has been often done before. The burden of proof, on the presumption that our country is always in the right till the contrary be proved, now certainly rests with the gentleman from New Hampshire, and his friends on that side of the House. Let the gentleman then have his own time. There were, Mr. C. said, strong reasons why gentlemen on this side of the House should agree with him in opinion on this subject. As to the great business of the session, giving vigor to the operations of the Army or the Navy, he hoped neither this or any other business would be permitted to interfere with it; and he pledged himself for one, who was in favor of Monday, that he would not, by his vote, sanction its interference with any measure calculated to give vigor to the war. I do strongly believe, that on the points agitated in the report accompanying the President's Message, there is a clear demonstration of the justice and necessity of the war, in which the Republicans of the House and of the nation have reason to rejoice, and the discussion of which will afford them further cause of exultation.

Mr. GRUNDY, in consequence, as he remarked, of the disposition expressed on the other side of the House not to permit this discussion to interfere with other business, withdrew his motion for postponement, and the discussion was made the order of the day for Monday next.

AMENDMENT TO THE CONSTITUTION.

On motion of Mr. PICKENS, of North Carolina, the House resolved itself into a Committee of the Whole, on the proposition to amend the Constitution of the United States, so as to establish an uniform mode of election of Electors of President and Vice President of the United States.

Mr. PICKENS said: Mr. Chairman, the object of the resolution is to establish an uniform

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mode of choosing Electors of President and Vice President of the United States; and that mode to be by the free, fair, and direct vote of the people in single districts; qualifying the right of suffrage by the same rules which the States have respectively prescribed for the choice of representatives—an object only to be attained by amending the Constitution.

I am sensible of the delicacy of changing any important features of this great charter of our Government. I believe it would be better to suffer minor evils than to lay our hands rashly upon it; so much sanction will it derive from the length of usage, as well as from a recollection of the pure day when it was framed. Considering, however, that the instrument embraces a provision of its own amendment, in such instances as experience might prove it to be defective; believing, moreover, that in this particular, the reasons in favor of the amendment are so imperious as to outweigh every countervailing consideration, I have felt it my duty to offer this proposition to the House. I will endeavor to assign such reasons in favor of the measure as appear to me most forcible; though I fear I shall not be so fortunate as to be able to present them in such form as to entitle them to a favorable consideration.

In free elective Governments much of their stability will depend on such an exercise of the elective franchise as will insure *tranquillity* in the appointment of their principal officers; at such junctures they will experience their greatest trials. That this has been long a settled opinion will be illustrated by this fact, that it is from this very consideration the advocates of hereditary succession draw their chief argument, and have long succeeded in convincing the world that, to avoid the popular commotion which would flow from the exercise of the elective privilege, it was preferable to commit to chance the appointment of the First Magistrate of a nation. Our care cannot, therefore, be too particular in establishing such a mode of choosing our first Executive officer on such fair and simple principles as to insure the most general satisfaction, and thereby the most tranquillity. It will then be of little avail what turn parties or politics may take; if evils be experienced under any course of measures, the people who bear and who feel them will in a short period make the necessary amendment by a fair expression of the public suffrage.

That some uniform method of appointing Electors should be adopted, the reason of the case as well as our own short experience demonstrates. This will secure a just equality in the relative weight of the States. Otherwise one State having a regard to the feelings and sentiments of the minority will divide in its vote in proportion as political opinions are divided; giving only a fair balance in the electoral scale; while a sister State, equally if not more divided in opinion on national politics, will give an undivided vote in the opposite scale. It requires no calculation to see that in this way a man may be elected to the

first office of the nation by a minority of votes of the people, while an opposing candidate with two-thirds of the weight of public sentiment in his favor will be rejected. That this is unjust, is as evident as that the rights of man are equal. I am aware of the answer which may be made to this: that the inequality may be prevented by each State imitating the example of those States that adopt a mode of giving a united vote. This may be done; and from this idea of self-defence, rather than from any belief of its abstract propriety, many of the States have been driven into the measure. The question again returns: if the States are obliged to resort (as some of them will reluctantly, I know) to a system of preserving their proportional weight, why not establish at once a fair, equal, and uniform rule upon this subject?—a rule which every man's justice and good sense will approve, and which will appear most congenial with our free form of Government. If by this rule any State will gain or lose in relation to its present comparative weight, it will lose only what in justice it ought.

It illy comports with the dignity or the real interests of this great Confederacy to suffer this struggling among the States for the advantage over each other. Yet so long as the subject is left at large, contending parties will resort to it for present purposes. Ought we not then to fix a regular system which shall overlook the little interests of the moment, and such as will be just and fair under any change of circumstances, and in the remotest times?

We must expect much agitation in the public mind at the approach of each period of election, as well from contending parties in the same State, as from the States themselves. The majority will endeavor to secure an individual vote to the candidate they may espouse, and to have the minor divisions unheard in the College of Electors; while this will be resisted with all the art and insinuation a minority can command, even to the hazard of losing the vote of the State entirely. This will be the ground of much crimination and recrimination, which naturally produce an irritation in the public feelings, always unpleasant and often dangerous.

At the eve of our elections sudden changes will be made, or attempted, to answer the emergency. One instance will be used as a precedent for others less justifiable, until the people will have lost all confidence in the exercise of this important suffrage. We need only look back to our late election for evidence of this. In the State of New Jersey, at the moment when the people were about to exercise their long accustomed rights of voting for the Electors, the General Assembly met, and deeming it not prudent to trust the election to the vote of the people, repealed the law on the subject, and vested that power in their own body, and accordingly appointed the Electors. When these cases occur at this day, what may we expect when parties are more virulent, and men less virtuous. About the same time this subject was long disputed between the two branches of the Assembly of Mas-

sachusetts. After much disagreeable jarring, it happened that a compromise was effected between the Houses, each having insisted on the best terms which it could get for the purposes of their respective parties. I have been informed that a similar difference existed between the two Houses of the Pennsylvania Legislature on a former occasion, and that it was not until the time had nearly elapsed that a compromise was effected, and the votes of the State saved. It is not pretended that these compromises were settled on the fair principles of public sentiment. They were mere bargains, in which the parties were only influenced by a view to their own purposes.

To show the preference of a regular plan, not liable to sudden changes, where it will become consecrated by usage, I would instance the State to which I have the honor to belong. In North Carolina, almost ever since the Government commenced, the method proposed by this resolution has prevailed; in consequence of which, the most perfect harmony had been kept up. If in any district an election was warmly contested, this caused no excitement beyond the limits of the particular district; and within each district the contest was soon ended; the party failing would rest contented under the reflection that the suffrages were fairly weighed. Different parties would prevail in different districts, in proportion to the political divisions which might exist; and of course no political party in the general result was exclusively gratified, each shared in the gratification of success whenever their importance entitled them to it. Previous to the last election, however, the accustomed mode was changed, and the power of choosing Electors for the time, was given to the succeeding Legislature. This change caused more agitation over the State than had been witnessed since the Government commenced. At the session of the Legislature, when this power was to be exercised, it was not without much difficulty and much disagreeable debate and irritation that they made the choice of Electors. After which the former district plan was re-established, and a resolution passed by a unanimous vote in both branches, recommending the principle of the amendment now proposed, extending it also to representatives.

While this election is left to the regulation of the State Legislatures, it will have a necessary tendency to intermix State and general politics. In most States the regular duties of legislation are of a different character from the subject of national politics, and therefore should not be confused together. A State will better attend to its internal affairs where its Legislature is as little as possible engaged in forming electoral tickets or planning modes of election favorable to political views.

I have confined my remarks to the reasons why it would be advisable to have some uniform fixed mode, on fair principles. I would urge as a particular reason for viewing the Presidential election as important in relation to the regularity and harmony of conducting it, the coincidence of time throughout the nation. Every

State being engaged at the same moment in this choice, the commotion may therefore be more general and dangerous than that which may attend such occasions in more limited sections.

In inquiring what mode will be most advisable to establish as a uniform rule for the appointment of Electors, but three plans present themselves: that by the vote of the people in the districts, as proposed; an election by a general ticket; an appointment by the vote of the State Legislatures. These are the only modes, one or the other of which the several States have had in use.

The plan now presented appears to me most congenial with the free spirit of our Government, and the most fair and simple in its operation; if we still maintain our first political maxim, that "all legitimate power is derived from the people," it must result that the most direct channel through which this power can be conveniently communicated is to be preferred. No method is so direct as that by which a man makes his own ticket, and votes it—no mode is more convenient than that by a single district. No qualification of suffrage will be so reasonable as that which adopts the rule which the States have prescribed.

In each district the candidates will most probably be known either in person or character to the people, and they will know the interests of the people, whose opinions they propose to represent, and the persons to whom they will be responsible for faithfully performing their trust. Every action of our great community, however diversified in interest, will be distinctly heard in the choice of the person who is to administer the laws. This, being fair to all interests and parties, will most probably produce general satisfaction. If different sentiments or interests exist in any State, those sentiments or interests should in their proper proportion be put into the national scale, and the fair results of the whole will point out the true national representation.

Political parties will be less sectional than in any other plan. Where each single district gives a distinct vote, the political character of the votes will not so probably be identified by geographical sections, but more interspersed over all sections of the country. When the States give an entire vote it may frequently happen that each end of the Union will give a united vote in opposition to the other, as was nearly the case at the last Presidential election. This happening to be the case habitually for a few periods, the political parties will gradually assume a geographical character. A man elected by the entire votes of one end of the Union will be looked at by the other end not as the representative of the nation, but rather as the head of the party, and that party a local sectional one.

In the district plan, no caucus or self-appointed committee will be required to form a ticket for the State, which is indispensable in any other more general mode of popular election, for otherwise a general concert in selecting could not well take place. The people will be free from the imposing influence of a nominated ticket, and will

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be able to fix on their own candidates with a fair prospect of success. Nor will they be liable to imposition by spurious tickets, where every man will know the person for whom he votes; very different will be the case where a collective number of candidates are named on the same ticket, with all of whom very few individuals in any one section of the State will be acquainted; then a ticket will gain currency by the title that may be endorsed on it, or the name of some prominent character placed at the head of the list. From this circumstance much fraud may be practised with effect; as it will be very difficult to detect impositions that may be offered at the various election grounds in a State. This kind of imposition was, if my information is correct, practised in the State of Ohio at the last Presidential election, by which two separate tickets were introduced, purporting to be for the same candidate, which had the effect of diverting from him a part of his support, though to a small extent.

An important advantage of distinct elections is, that the agitation attending these occasions, however highly excited, will be confined to the limits of detached districts, and will be unknown and unfelt elsewhere. The general tranquillity of the State will remain undisturbed by any general cause of excitement. I may add, the comparatively small importance of a single election, will render it an object less deserving very extraordinary exertion; and therefore in the same limits the momentum of public agitation will be less, than when the general result was to give the united votes of the State.

In a State having any tolerable division of political sentiment, there will probably be a variance as to the results in the different districts, which will be gratifying to the one side and the other, respectively, wherever the one or the other may have the most relative weight. And from this mutual satisfaction we are to expect more general tranquillity, than when the heart-burnings of disappointment are applied exclusively to one political denomination in the State, while the triumph of success exclusively attends the other. It is a rule of policy which applies to all public measures, and more especially to the concerns of a nation, that next to the object of acting rightly is that of rendering general satisfaction.

Elections will be best secured against intrigue and corruption where this power is exercised by the scattered freemen at large. Where this trust is centered as it were in a single point, as by a legislative vote, designing men will have more inducement to offer corrupt influence: and in times less virtuous a few powerful men may be able to effect the elevation of an individual whom the nation may believe to be unworthy.

The proposed method will arrive the nearest at a fair equality between the relative weight of the States, respect being had to the proportional division of political interest that may prevail. I admit that, at first view, this would seem to give an advantage to the small States, inasmuch as the balance of votes in a small State may be equal to, or may exceed that of a large one. This

however will never exist but where the equality of political parties in the latter will be such as nearly to neutralize the State, when it will be just. Where a State is precisely divided in its votes, it stands neutral, and no man can say it ought not. If this be just, then in proportion as the equality diminishes even until it approaches a unanimity, in that proportion only ought the majority to prevail in the College of Electors.

By any mode of giving an entire vote to each State, the will of the majority of the people of the Union is not certain to prevail, unless the division of public sentiment shall be in the same proportion in each. A State however divided will give the same united vote with a State however unanimous. Suppose two States were left to decide the election of a President, all the other States having given an equal vote to A and to B. The one State entitled to nineteen the other to twenty Electors. The smaller States were unanimously in favor of A's election and also nineteen-twentieths of the larger—and eleven-twentieths of the larger State only being in favor of B. What would be the result? Though A will have twenty-eight votes, and B only eleven, yet by a general vote B will be elected. Though a minority will in every mode of election be left, yet it requires no calculation to see that in single districts this will be the smallest possible.

There is in most States some diversity of political interest, and in no other way can each be heard than by a district election.

In the mode of appointment by a Legislative vote, this privilege is unnecessarily removed a degree farther from the people, who are the fountain of political power. And in the election by general ticket the power is virtually removed still more remotely from them. For this ticket must of necessity be formed by a caucus of the State Assembly, or by some other collection of individuals. This nomination in a State, though not obligatory, yet, it is not in the power of the people to oppose it successfully, though a part or the whole of the persons named should be obnoxious, unless by a similar concert of other individuals who may take upon themselves to manufacture a ticket in opposition, and in reality the only alternative with the voter, is either to decline his right of vote with possibility of effect, or give his aid to one or other of the manufactured tickets.

A reason against any mode of giving the undivided votes of the States, of all others the most important, and most affecting the vital existence of the Union, is its tendency towards a geographical severance of parties. By the principle of self-defence all the States must adopt such a mode, unless a uniform plan is established; indeed they have nearly all so acted at the late election as to give unanimous votes; and by this means a whole section of the Union, with a small exception, voted for one individual, while the opposite section supported his opponent, and these sections are divided by regular State lines. Now does a Chief Magistrate so elected appear to represent the whole Union? And will not a small number of repetitions of such events naturally

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draw the opposite parties, in looking toward their opponents, to look directly across this divisional line? The States North and East of Pennsylvania and Maryland, with the exception of one small State, were, by the manner of voting, unanimously opposed to the election of the candidate who succeeded; while the States South and West were entirely unanimous in his favor. This seems evidently a direct advance towards a separation of parties by geographical boundaries; for the irritation occasioned by mutual charges and recriminations will gradually lead to settled hatred and jealousy of each other. That promiscuous division of parties which we had seen in every quarter would be lost in this greater local division; after which, I fear, there is not virtue enough in man to hold the discordant parts together. Now, what would have been the consequence provided the plan now proposed had regulated all the electoral appointments at the late election? The general result as to the choice would no doubt have been precisely the same; but as to the complexion with regard to local sentiment, very different. Virginia and New York would each have divided in their support of candidates—Maryland and New Jersey would have done the same, as would also the Southern States of North Carolina, South Carolina, and Georgia, as well as the New England States; even Pennsylvania might divide in a small degree. This would exhibit a promiscuous division of sentiment extending itself over the whole nation, and not capable of being delineated by State lines or the course of rivers.

On this delicate part of the subject I will refer this Committee to an authority, the mention of which will give it sufficient sanction. In the parting address of our illustrious Washington, he admonishes the people of the United States, with the most solicitous concern, against any tendency toward geographical divisions of parties, and views it as most dangerous to the Union of the States. So far as it applies to the question before us, I doubt not it will have its full weight. These are my principal reasons for hoping that the proposed amendment to the Constitution may be adopted.

Mr. FINDLEY spoke for a few minutes in opposition to the resolutions.

Mr. GASTON said, that after the pertinent and judicious observations of his colleague (Mr. PICKENS) in support of the proposed amendment to the Constitution, he had indulged the hope that some of the gentlemen who were averse to its adoption would have fully stated the grounds upon which their opposition was founded. He should have attended to their remarks with pleasure, and had they failed to produce conviction on his mind, would have endeavored, according to his opportunity and ability, to give them a suitable reply. Although this hope had been disappointed, and it might appear superfluous to add anything to an argument which remained yet unanswered, he must be excused for trespassing on the patience of the Committee for a few minutes. The proposition merited a deliberate ex-

amination. It related to one of the most important features of the Constitution. His best judgment had convinced him that it ought to be adopted. As a member of the Legislature of North Carolina he had cordially united in recommending it to the notice of Congress. He could not reconcile it to his feelings or to his sense of duty if he did not contribute to its support an aid more efficacious than the mere expression of his vote.

The proposed amendment owed its origin to an occurrence which had excited an extraordinary interest in the State which he had the honor in part to represent. Electors of President and Vice President had been uniformly chosen in North Carolina by the people, voting in convenient and legal districts. But at the eve of the last Presidential election the Legislature of that State abolished the ancient and well-approved mode, and directed the appointment to be made by the succeeding Legislature. Although, in favor of this innovation, it was urged, certainly with plausibility if not with force, that it was proper for North Carolina, in self-defence, to adopt some mode which would enable her to bring out her entire strength in the appointment of a President; and although it was morally certain that the effect of the change would be to promote, in a very decided manner, the election of the candidate who was the favorite with the majority of her citizens, yet this inroad upon the elective franchise created almost universal dissatisfaction. Without stopping to vindicate the propriety of this discontent, said Mr. G., I cannot but regard it with complacency. It is an indication that there exists among my countrymen a quickness of perception and intensity of feeling in relation to a subject upon which dulness or indifference might be fatal. I am rejoiced at this sensitive shrinking at the approach of whatever savors of usurpation. It augurs well—it is a proof that even State pride and the spirit of party may be addressed in vain, when they are wooed to the sacrifice of a fundamental right.

Such was the effect of the excited temper of the people, that their next Legislature re-enacted the accustomed mode of appointing Electors, and divided the State into districts. But, at the same time, reflecting upon the many evils which resulted from the want of an uniform mode of appointment throughout the Union, they came to the unanimous determination of proposing the amendment to the Constitution which is now under consideration. Its great principle is, that each State shall be divided by its Legislature into equal districts, in each of which the people entitled to vote for the most numerous branch of the State Legislature shall appoint an Elector. As the details have not been objected to, I shall confine my remarks to the support of this principle.

Sir, there breathes not a man who views the sacred character of Federal Union with more reverence than myself. No one can more sincerely or ardently deprecate any innovation on its principles. If the proposition under discus-

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sion embraced such an innovation, however advisable it might seem—however clear of all objections that I could anticipate—I should tremble at the attempt to introduce it. But, when we come to examine the Constitution, and compare with it the proposed amendment, we shall find that the object is not to introduce new, but to invigorate old principles: to give a practical operation to the instrument which consists with its designed effect—to rescue it from perversion and abuse.

It is well known, that no part of the plan of a Federal Government presented greater difficulties to the illustrious men who framed it, than that which relates to the appointment of the Executive. Dangers exhibited themselves on every side; from within they had to apprehend the successful operation of all those bad passions that were connected with the acquisition or control of an office, from which flowed patronage, and profit, and power; from without they could not but dread the intrigues, and arts, and corruptions, consequent upon the efforts of foreign nations to regulate the choice of an individual who was to direct the measures of a great people in relation to them. The outlines of their plan were sketched with a masterly hand. Each State was to choose a number of Electors, upon the combined principles of population and State sovereignty, equal to the number of Senators and Representatives. These Electors were to be called into existence, for the special purpose of voting for a President, and were to exist only during that special conjuncture. They were to meet in each State and on the same day throughout the Union. No Senator or Representative, or person holding an office under the General Government, could be a member of the Electoral College. These outlines were indeed wise, yet they were but outlines. How the Electors themselves should be chosen, the Constitution did not provide; it left this part of the process of appointing a Chief Magistrate of the Union to be regulated in each State by its respective Legislature. Why this discretion was left to the State Legislatures it is not for me to decide; I should presume, however, that the Convention supposed, that in each State it would be so managed as best to suit the convenience of its citizens. It was not easy to foresee whether a choice by the people, voting in districts or in States, would best effectuate the objects of the Convention. In large States the former might be desirable, in smaller States the latter might be preferred. For the present, and until experience could be consulted, it was deemed most prudent not to fix the method. That which should ultimately be found most judicious, it was presumed would generally be adopted. The amendment now before us is perfectly in character with the symmetry of this plan. It oversteps none of its outlines; it alters not the ratio of Electors, their duration, their mode of voting, nor the materials of which they are to be composed. It directs only a uniform mode of appointing them, and proposes the only mode, as will be hereafter seen, which practically corresponds with the views of the Convention.

Is it not desirable, sir, that some uniform mode should obtain? Unless the Constitution should prescribe, in definite and imperative terms, the process by which Electors shall be taken from the mass of their fellow-citizens, it will be liable to perpetual fluctuation, according to the varying notions of eighteen distinct State Legislatures, each of them subject to frequent, in general to annual changes. Nothing can contribute more effectually to the permanence and stability of any institution, than that its essential forms should be permanent and stable. The omnipotent force of habit over individuals loses none of its power when extended to communities. Time and custom have an effect upon opinions and feelings, and modes of action, which alone can render them distinctive and characteristic. Thus it is that they become intimately associated with the affections, and are converted into what is emphatically called a second nature. It is the part of political wisdom to create and strengthen this union between the affections of the people and the forms of their Government. You thus consecrate these forms in their estimation, and establish a solid basis on which the Government itself can rest. May I not be permitted to say, too, without an attack upon any political party, that the honor of the country demands that we should prevent the recurrence of those scenes which, on the return of every Presidential election, are exhibited in some one or more of the States. I mean, sir, the struggles between contending parties to render the mode of appointment subservient to their immediate views. This subject has not charms enough to induce me to examine it in detail. Every gentleman has witnessed such scenes. No party can claim to be guiltless of such designs—*"Peccatur et intra mania et extra."* In one State we behold the same class of political believers contending strenuously for a mode of appointment, which in another they as zealously oppose.

The last Presidential election presented an instance which has not a little impressed my mind. In Massachusetts no other mode of appointment could be tolerated by the Democratic part of the Legislature, but the choice by the people in districts; while in North Carolina it was claimed to be Republican to appoint by the Legislature. And, vice versa, the same political party that in North Carolina advocated the choice in districts, in Massachusetts was found to prefer either a Legislative choice or a general ticket. An uniform mode, fixed by the Constitution, will put an end to struggles which the good and wise must view with regret; and while it thus rescues the honor of the country from the imputation which is affixed to such contentions, it will narrow the range of faction, and diminish the scope for intrigue. The political combatants will come into the field fairly. Their efforts will be solely directed to the contest, without any artifices to get an advantage in the choice of weapons, or in the mode of warfare. The controversy will be, to secure for their opinions, as for their friends, the favor of the majority of the nation, and not

by legerdmain tricks to make the minority appear the majority.

If an uniform and permanent mode of appointing Electors be recommended by these obvious and decided advantages, it remains to be examined which, among the different methods that have been essayed, has the strongest claims to a preference. In no State has any other mode been thought of, nor have I heard any other suggested, than the three which have been mentioned by my colleague. These are—a choice by the qualified voters of each State in districts, or by a general ticket throughout each State, or an appointment by the State Legislatures. The principle and scope of the proposed amendment is the establishment of the first of these modes. It is very far from my design to enumerate all the advantages which I believe it to possess; many of them have been already stated by my colleague, and it is not my wish to repeat, and perhaps thereby weaken any of his arguments. But I will attempt to set forth a few leading considerations, which, in my judgment, render it infinitely superior as a permanent and universal rule to either of the others.

Sir, it is recommended to our adoption by a consideration which should endear it to all who feel an attachment to the great and leading principle of Republican Government. It is by this method that the voice of the people of the Union is fairly expressed, and fully felt in the selection of their Chief Magistrate. Adopt this mode, and it is scarcely practicable that any individual can be chosen for that high office, but by the voice of a majority of the people. There may, indeed, be a considerable difference between the relative strength of the minorities, in any two districts; but, when all the districts are taken into computation, such difference must be equalised. He who obtains the suffrage of more than half of the voters of the two hundred and eighteen districts into which the United States will be parcelled, must in all human probability have a majority of the suffrages of the people. But how is it, sir, when each State is made to throw all its votes into one scale, however much the citizens of that State may be divided? A majority of the votes thus obtained is no evidence of the sanction of a majority of the people. In proportion as you lessen the number of the sections which elect, you multiply the chance of enabling a majority to control. A single statement will verify this proposition. Four States, Massachusetts, New York, Pennsylvania, and Virginia, gave one hundred and one, out of the 218 votes, that are rendered for President. Let the Legislative choice, or the general ticket prevail—let a small majority in these States, cause their votes to be given to the same candidate: With the assistance of the votes of North Carolina, Kentucky, Maryland, South Carolina, or Connecticut, which a bare majority in either may command, he is elected President. Yet the fact will be, that he has obtained the support of a little more than one-fourth of the nation! This, sir, is not only revolting to our republican notions, but is adverse to one of the leading purposes contemplated by the framers

of the Constitution. One of its most illustrious authors, and its ablest expositor and advocate, the man whose radiant intelligence poured on every question to which it was directed, a flood of light, and whose candid soul disdained artifice or deception, has assured us that it was a primary object with the Convention, "that the sense of the people should operate in the choice of the person to whom so important a trust was to be confided." Let some mode then be pursued by which this sense can fairly operate, and be correctly expressed.

An eminent advantage which I believe likely to flow from this fair expression of the sentiments of every portion of the people, in the choice of a President, will be found in the security which it affords to the minority in each State, against the intolerance of the majority. In Republican Governments the majority must indeed rule, but it is of vast importance that the majority should be compelled to respect, not only the rights, but the opinions, feelings, and even prejudices of the minority. Unless it feel this sentiment, nature and history prove, that it will be unjust and overbearing. When the Electors of President are chosen by States, the minority in each State is utterly without weight. As to this purpose it has no political power. Its opinions are treated with arrogance. The individuals who belong to it are viewed as a class that is arrayed against the cause of the State. They must either forbear from all interference in its concerns, or be subjected to the jealousies and malignant tyranny of intolerant power—never more intolerant than when backed by the physical force of the community, or when exerted upon those who are without the ability to retaliate. Let the voice of every part of the nation be heard in the appointment of the Chief Magistrate, and the minority in each State acquires an importance, which insures to them respect and political freedom. If they can give but one vote, it is worth the attention of the majority to conciliate that vote; for, joined with the suffrages of other portions of the people in other States, it may weigh heavily in the balance.

In every Government which is purely of the federative character, there is a radical defect, arising from the want of an intimate relation between those who administer its powers, and those who are subject to its control. Our Government partakes both of the national and federative forms. Without stopping to discuss that great question, which gave rise to the parties, that were early seen after its organization, whether it is more likely to encroach upon the State authorities, or to be controlled by them in its necessary and proper operations, all will concur, I trust, in the position, that it is wise to impart to it every efficiency which abridges not individual liberty, nor lessens the useful powers of its component members. Whatever may be the powers which are in terms delegated, in proportion as you remove the General Government from the people, you impair its strength. Wise and reflecting men, who are sensible of its infinite value,

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in insuring domestic tranquillity, and guarding against external dangers, will venerate and uphold it from principle. But the citizens in general, who have little agency in promoting its operations, and who feel not its beneficial influence in their daily concerns, who look elsewhere for the protection of their personal rights, and for redress from individual injuries—who scarcely feel it, but in its restraints, or in its demands on them for personal services and contributions, will naturally regard it in the light of a foreign Government. It will be scarcely possible to create in them that sentiment of loyal obedience, which springs spontaneous in the heart towards the Government which is felt and cherished as their own. Give them an agency as individuals in the appointment of its Chief, and they are at once sensible of a participation in the political institution itself. It is brought nearer home to them—a connexion is created between the General Government and themselves, instead of a connexion between the General Government and the State to which they belong. This intimate relation, and the sentiments of loyalty and affection which spring from it, will be a tower of strength to the Federal Government. The vigor which is thus imparted, diminishes not one particle of the freedom of the citizen, and deprives not the State governments of a single privilege which is necessary to their support, or to the full exercise of their peculiar powers. It impoverishes not those from whom it is taken, while it is invaluable to the institution on which it is conferred.

Intimately connected, sir, with the advantage which I have just pointed out, is that which springs from the co-operation of individuals, for a common purpose, in different parts of the nation, that necessarily results from this mode of appointing the Electors of President. The citizens of one extreme, uniting with citizens in another extreme of the Union, in promoting the election of the same individual, as the President of their country, are drawn towards each other as members of the same political family. They will feel the same sentiment of a common country, which is now indulged between the citizens of the same State. Their joint exertions, in their individual capacities, must create one of the strongest bonds of union. But a mode of voting which throws the entire voice of each State into the scale of its favorite candidate, though it may bring about a co-operation of State with State, or in other words, a co-operation of the leaders of one State with those of another, in fact disunites the people, and breaks them into distinct masses. Such a co-operation of State with State, far from being productive of benefit to the nation, is scarcely less to be dreaded than the array of State against State. Both the one and the other are full of danger—while the opposition of individuals is harmless, and their union most salutary.

Sir, I conscientiously believe, that a remedy like that proposed, is essentially necessary to effectuate the objects which the framers of the Constitution designed to secure in the election of a President. He who in his heart loves that Con-

stitution, cannot view, but with bitter regret, the contrast which, in the choice of this Magistrate, the practice under the Constitution opposes to its pure and chaste theory. It was contemplated, that the people from each State should select from among the wisest and most virtuous of their neighbors, the persons best qualified to vote for a President. The original primary act was to be theirs—spontaneously theirs. They were free to choose whomsoever they pleased, except those who, from their situation, might have too great a leaning towards the President actually in office. Of this description were Senators and Representatives. Whatever might be their individual virtue or intelligence, these were too near the Palace to be safely trusted with the power of declaring who should occupy it. The Electors thus chosen, thus free from all irregular impulse, convening in each State on the same day, and under circumstances the most favorable to deliberation, were to vote for a President, and immediately afterwards to mingle with their fellow-citizens, from whom they had been called forth but for that special purpose. Every practicable obstacle was supposed to be thus thrown in the way of “cabal, intrigue, and corruption.” There was no “pre-existing body of men who might be tampered with beforehand to prostitute their votes.” No sinister bias could be presumed to exist “from too great devotion to the President in office.” The “transient existence” of the Electors, and their “detached situation” seemed to render cabal and combination impracticable, and to remove all opportunity of corruption. The voice of the people operating fairly and fully in the appointment, the President would feel himself indebted to them for his office, and independent of all but them for his continuance in it.

Thus *beauteous* smiled the theory. How hideous the deformity of the practice! The *first* step made in the election is by those whose interference the Constitution prohibits. The members of the two Houses of Congress meet in caucus, or convention, and there ballot for a President and Vice President of the United States. The result of their election is published through the Union under the name of a recommendation. This modest recommendation then comes before the members of the respective State Legislatures. Where the appointment ultimately rests with them, no trouble whatever is given to the people. The whole business is disposed of without the least inconvenience to them. Where, *in form*, however, the choice of Electors remains with the people, the patriotic members of the State Legislature, vying with their patriotic predecessors, back this draft on popular credulity with the weight of their endorsement. Not content with this, they benevolently point out to the people the immediate agents through whom the negotiation can be most safely carried on, make out a ticket of Electors, and thus designate the individuals who, in their behalf, are to honor this demand on their suffrages. Sir, this whole proceeding appears to be monstrous. It must be corrected, or the character of this Government is fundamen-

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tally changed. Already, in fact, the Chief Magistrate of the nation owes his office principally to *aristocratic* intrigue, cabal, and management. Pre-existing bodies of men, and not the people, make the appointment. Such bodies, from the constitution of nature, are necessarily directed in their movements by a few leaders, whose talents, or boldness, or activity, give them an ascendancy over their associates. On every side these leaders are accessible to the assaults of corruption. I mean not, sir, that vulgar species of corruption, only, which is addressed to the most sordid of human passions, but that which finds its way to the heart, through the avenues which pride, ambition, vanity, personal resentment, family attachment, and a thousand foibles and vices open to the machinations of intrigue. Their comparatively "permanent existence," and concentrated situation, afford the most desirable facilities for the continued operation of these sinister acts. It is not in nature that they should long operate in vain; nor is it in nature that the individual elected by these means should not feel his dependence on those to whom he owes his office, or forego the practices which are essential to insure its continuance, or its transmission in the desired succession. Thus, in practice, do we find all the advantages frustrated which, in the choice of a President, the Convention so anxiously sought to secure, and all the evils realized against which barriers were so sedulously erected. Who can recognise, in the object thus exhibited, any of those features which its early friends contemplated with admiration, and joy, and hope? If a single trace remains of its former charms—

"Tis but that loveliness in death,

Which parts not quite with parting breath;

Expression's last receding ray,

A gilded halo hovering round decay."

Mr. Chairman, I dare not promise that the adoption of this amendment by the States will put an end to cabal, intrigue, and corruption, in the appointment of a President. No human means can be adequate to that end. But I believe it demonstrable that this amendment will deprive cabals of facility in combination, render intrigue less systematic, and diminish the opportunities of corruption. I cannot say that it will insure to this high and important office pre-eminent ability and virtue, but I am convinced that it will exclude from the appointment all who have not succeeded in establishing that character with the great body of their fellow-citizens. The President may yet have his favorites and partisans, who will yield support and receive patronage, but the voice of the people will be heard and respected, notwithstanding all efforts to suppress or control it. Faction cannot but exist, but it will be rendered tolerant. State attachments must yet continue, (ever may they continue,) but they will not swallow up all attachment to the General Government. States may endanger the perpetuity of our Confederacy by their combinations or their quarrels, but these dangers will be stripped of half their terrors when our citizens feel that they have a common country, and are linked to-

gether by the strongest bond of connexion. Under the hope and belief that this amendment will impart vigor to the Constitution, re-establish it upon its true basis, and perpetuate its duration, I avow myself its warm and decided friend. The earthly wish nearest my heart is, that, amidst the storms which threaten the submersion of all that is precious in civilization or refinement, we may cling to that Constitution as the mariner to the floating spar which Providence throws in the way of his preservation.

When Mr. GASTON had concluded, the Committee rose, and had leave to sit again.

SATURDAY, January 4.

JOHN G. JACKSON, from Virginia, appeared, and took his seat.

Mr. WEBSTER presented a petition of sundry inhabitants of Hanover, in the State of New Hampshire, praying that a tax may be imposed upon domestic distilled spirits.

Mr. LEFFERTS, of New York, presented the petition of sundry citizens of New York, on behalf of themselves and their associates, praying the incorporation of a National Bank, with a capital of thirty millions, at such place as the President and Directors may determine, or as shall be designated in the act of incorporation; offering, among other inducements to granting a charter, to loan to the Government any amount, not exceeding one half of its capital.

The petition was referred, on motion of Mr. L., to the Committee of Ways and Means, by a vote of 57 to 54, in opposition to the wishes of some who desired to refer it to a select committee.—On motion of Mr. CALHOUN, the memorial was ordered to be printed—ayes 70.

Mr. POST, of New York, presented the petition of the mechanics and manufacturers of the city of New York, stating that, in their opinion, an erroneous construction has been put by the collectors for the district of New York, on the act laying a duty on licenses to retailers of foreign merchandise, by applying the same to all the saddlers, hatters, and other manufacturers, who employ any foreign articles, however minute, in their manufacture; by which construction they conceive themselves aggrieved, and pray that Congress will extend them relief in the premises.—Referred to the Committee of Ways and Means.

Mr. TROUP, of Georgia, presented the petition of sundry persons in Georgia, praying that Congress may take into consideration the propriety of improving the navigation from the waters of the Chesapeake bay to St. Mary's river, in Georgia.—Referred to the Committee of the Whole on the Chesapeake and Delaware Canal bill.

Mr. ARCHER presented a bill for the relief of Mary Philip Leduc; which was read twice, and committed to a Committee of the whole House to-morrow.

Mr. TROUP, from the Committee on Military Affairs, reported a bill allowing compensation for horses owned by militia or volunteers, and killed or lost in the service of the United States;

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which was read twice, and committed to a Committee of the Whole.

On motion of Mr. TROUP, the Committee on Military Affairs were discharged from the consideration of the resolution of the 21st ultimo, respecting the length of a tour of militia duty; and the resolution was referred to the committee on that part of the President's Message which relates to a revision of the militia system.

Mr. BONN, from a select committee, reported a bill to authorize the opening a road from Shawanee town, on the Ohio river, in the Illinois Territory, to the United States' saline, and from thence to the town of Kaskaskia; which was read twice, and committed to a Committee of the whole House on Thursday next.

Mr. LOWNDES, from the Committee on Naval Affairs, reported the following resolution:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be requested to present to the nearest male relative of Captain James Lawrence, a gold medal, and a silver medal to each of the commissioned officers who served under him in the sloop of war Hornet, in her conflict with the British vessel of war, "the Peacock," in testimony of the high sense entertained by Congress of the gallantry and good conduct of the officers and crew in the capture of that vessel: and the President is also requested to communicate to the nearest relative of Captain Lawrence, the sense which Congress entertains of the loss which the Naval service of the United States has since sustained in the death of that distinguished officer.

The said resolution was read, and referred to the Committee of the whole House on the resolutions from the Senate, relative to the brilliant achievement of Lieutenants Burrows and McCall, and expressive of the sense entertained by Congress of the conduct of Captain Perry, his officers and men, in the capture of the British fleet on Lake Erie.

The bill making certain partial appropriations for the service of the year 1814, passed through a Committee of the Whole.

Some discussion took place in Committee of the Whole, not on the bill, but on a complaint of Mr. PIRKIN, that the general estimates for the ensuing year had not yet been laid before the House. In reply, it was remarked by Mr. EPPES, that the course now proposed was not novel, but had frequently before taken place, of making a partial appropriation, when necessary, before the general estimates for the service of the year were made out.

The bill was reported to the House, and ordered to be engrossed for a third reading.

The engrossed bill for the relief of Daniel Boone was read a third time, and passed.

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On motion of Mr. LOWNDES, of South Carolina, the House resolved itself into a Committee of the Whole, on the resolutions expressive of the sense of Congress of the merits of several of our naval heroes, who particularly distinguished themselves during the past Summer.

Mr. LOWNDES said, that he should be inexcusable if he were long to detain the Committee from the vote—he hoped the unanimous vote—which they were prepared to give upon the resolutions. The victories to which they refer were, indeed, of unequal magnitude and importance; but, the least important of them, if it had been obtained by the subjects of any Government on the continent of Europe, would have been heard with admiration, and rewarded with munificence. The action between the *Enterprise* and the *Boxer*, from which the public eye appears to have been withdrawn by the greater magnitude and the confessedly superior splendor of a more recent victory—this action has shown, as conclusively as a contest between single ships could show, the superiority of American officers and seamen over those of the nation which the continued success of a century has proved to be superior to all the rest of the world in naval warfare. Although Lieutenant Burrows was mortally wounded, early in this action, yet, the skill and gallantry with which he commenced it, leave no doubt, that if he had been longer spared to the wishes and the wants of his country, the same brilliant success which resulted would have been obtained under his command; while the ability with which Lieutenant McCall continued and completed the contest, assures to him as distinguished a fame as if he had carried the vessel into action. The loss of a commander, indeed, may fairly be considered as rendering a victory more honorable to a successor, because it must render it more difficult: it may be expected to confuse, though it does not depress. But, the victory, which was achieved in forty minutes, with a disparity in the effect of the fire of which there are other examples in American history—such a victory could only have been achieved by men who did not lose for a moment their confidence, or their cool intrepidity.

Of the victory of Lake Erie, Mr. L. said, that it was more difficult to speak. It was impossible for him to speak in terms which could convey any adequate conception of the importance of the victory—of the unrivalled excellence of the officers—of the gratitude of the country. The documents referred to the committee sufficiently prove that superiority of force on the part of the enemy which would have insured their victory, if it were not the appropriate character of military genius to refute the calculations which rely on the superiority of force. Nor was the victory obtained over an unskilful or a pusillanimous enemy. The English officers were brave and experienced, and the slaughter on board their vessels, before they were surrendered, sufficiently attests the bravery of their seamen. They were skilful officers, subdued by the ascendancy of still superior skill. They were a brave foe, who yielded to one yet braver.

There was one characteristic of this action, Mr. L. said, which seemed to him so strongly to distinguish it, that he could not forbear to ask the attention of the Committee to it for a few moments. He knew not an instance in naval or military history in which the success of the contest

appeared so obviously to result from the personal act of the commander as in this. When the crew of Captain Perry's vessel lay bleeding around him; when his ship was a defenceless hospital; if he had wanted—not courage, which in an American officer forms no distinction—but, if he had wanted that fertility of resource which extracts from disaster the means of success and glory, he did not say, if he had surrendered his ship, but if he had obstinately defended her; if he had gone down wrapped in his flag; if he had pursued any other conduct than that which he did pursue, his associates might have emulated his desperate courage, but they must have shared his fate. The battle was lost.

Now, examine any other victory, however brilliant. If, in the battle of the Nile, Lord Nelson had fallen even by the first fire, does any man believe that it would have affected the result of the contest? In the battle of Trafalgar he did fall, and victory never for a moment fluttered from what was then her chosen erry—the British mast. And, not only in this view was the victory of Captain Perry unrivalled, but, in the importance even of its immediate consequences, he knew none in the modern history of naval warfare that could be compared with it. An important territory immediately rescued from the grasp of English power—uppermost, Canada conquered, or prepared for conquest; an ocean secured from the intrusion of every foreign flag; a frontier of a thousand miles relieved from the hostility of the most dreadful foe that civilized man has ever known! Nay, further, Captain Perry and his gallant associates have not only given us victory in one quarter, but shown us how to obtain it in another yet more important. How deep is now the impression on every mind that we want but ships to give our fleet on the Atlantic the success which has hitherto attended our single vessels! We want but ships; we want, then, but *time*. Never had a nation, when first obliged to engage in the defence of naval rights by naval means—never had such a nation the advantages or the success of ours. The naval glory of other States has risen by continued effort—by slow gradation; that of the United States, almost without a dawn, has burst upon the world in all the sudden splendor of a tropical day. To such men we can do no honor. All records of the present time must be lost—history must be a fable or a blank—or their fame is secure. To the naval character of the country our votes can do no honor, but, we may secure ourselves from the imputation of insensibility to its merit—we can express our admiration and our gratitude.

Mr. L. concluded by saying that the resolution respecting the capture of the Peacock, proposed by the committee of the House, was the usual expression of approbation which, in similar instances, had never been omitted; it was an inadequate memorial of the merit of an officer who devoted his life to the honor of his country.

Mr. CLAY, of Kentucky, (Speaker,) said that, before the question was put, the Chairman must allow him an opportunity of expressing the high

satisfaction he felt at the very handsome and eloquent manner in which the gentleman from South Carolina had acquitted himself in the observations he had just made. It would, indeed, have ill become the Representatives of the people, when every city on the continent had almost literally blazed with joy on the occasion of these victories, to have remained silent on this subject. Our ships on the ocean, commanded by the most gallant officers in the world, had already shown what American tars could do, ship to ship. It remained for the hero of Erie to exhibit to them an awful lesson of our capacity to fight in a squadron against, not only an equal but superior force. If he were to relate the circumstances which, in his opinion, most distinguished the hero of that battle, Mr. C. said, he should certainly refer to that mentioned by the gentleman from South Carolina. Imagine to yourself, said he, this valuable officer in the hour of peril, his vessel a wreck, her deck strewed with the mangled bodies of his dead and dying comrades, and admire with me the cool intrepidity and consummate skill with which he seized the propitious moment, changed his station, and, aided by his gallant second in command, and only second in merit, pressed forward to fame and to victory. Such an action, it has been well said, has scarcely its parallel in history. The importance of victory can be more readily realized, when we look at its consequences. It led to the victory on land, by which a territory was delivered, and a province conquered. No longer is the patriotic soldier, whose safety ought to be guarded by all the principles of honor and of modern warfare, to be delivered over in cold blood to the merciless tomahawk. No longer the mother wakes to the agonizing spectacle of her child torn from her breast, and immolated to savage brutality. Here, sir, said he, the consequences of that victory are most conspicuous; and, coming from a country in the vicinity of the scene of action, and so sensibly alive to its consequences, I could not forbear expressing my high satisfaction at giving my vote in favor of these propositions. Mr. C. could not sit down, he said, without expressing his pleasure at finding that the name of Elliott was coupled with that of Perry. Lieutenant Elliott had given, in the capture of the British brig *Detroit*, last Winter, a promise of future greatness in the line of his profession. The admirable manner in which he had in the battle of Erie seconded his brave commander, attested the propriety of connecting his name in their resolve with that of the hero of the Lake.

The Committee then rose and reported the resolutions; which were, by the House, ordered to a third reading to-day.

They were accordingly read a third time, and unanimously passed.

AMENDMENT TO THE CONSTITUTION.

On motion of Mr. PICKENS, of North Carolina, the House again resolved itself into a Committee of the Whole, on Mr. PICKENS's resolutions to amend the Constitution, so as to establish a

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uniform mode of election of Electors of President and Vice President.

Mr. WRIGHT spoke in support of the resolution, and Mr. SHIPHERD against it. Mr. PICKENS made a few remarks in reply.

The question was then taken on the resolution. The vote was—for the resolve 57, against it 70.

The Committee rose and reported their disagreement to the resolution, and the House adjourned.

WEDNESDAY, January 5.

Mr. KENT, of Maryland, presented a petition of sundry inhabitants of the City of Washington, praying that a law may be passed, authorizing the laying off into lots, and the sale of the vacant and unappropriated ground lying between the Capitol and the Potomac river, and that the proceeds of said ground may be applied to altering the course of the canal, and filling up certain marshy grounds.—Referred to the Committee for the District of Columbia.

On motion of Mr. GHOLSON, the petition of Amey Dardin, presented on the 27th of December, 1804, was referred to the Committee on Pensions and Revolutionary Claims.

Mr. WRIGHT, from a select committee, reported a bill to establish a uniform mode of electing Senators and Representatives to Congress; which was read, and committed to a Committee of the Whole.

The following proposition to amend the Constitution of the United States, was submitted by Mr. JACKSON, of Virginia; which was read, and ordered to lie on the table:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, That the following articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States, each of which, when ratified by three-fourths of the said Legislatures, shall be valid, to all intents and purposes, as part of the said Constitution:

1. Congress shall have power to lay a tax or duty, not exceeding ten per centum ad valorem, on articles exported from any State.
2. Congress shall have power to make roads in any State.
3. Congress shall have power to make canals in any State, with the consent of the State within which the same shall be made.
4. Congress shall have power to establish a national bank, with branches thereof, in any State.

The engrossed resolution relative to the brilliant exploit of the deceased Captain Lawrence and the crew of the Hornet, in the capture of the British brig Peacock, was read a third time and passed unanimously.

Mr. KILBOURN, of Ohio, by way of again introducing to the attention of the House a subject which had been presented to their notice at the last session but not finally acted on, moved the following resolution:

Resolved, That a committee be appointed to inquire into the expediency of providing more effectually, and

in a manner more economical, for the protection of the Northwestern frontier of the United States against the incursions of savages and other enemies, by granting donations of land to actual settlers, and for public purposes, in such situations as may best promote the ends proposed, in the northerly and westerly part of the State of Ohio, and of the Territories of Indiana, Illinois, and Missouri, and that they have leave to report by bill or otherwise.

Mr. TAYLOR moved to amend the resolve so as to refer the subject to the Military Committee; and, thus amended, the resolve was passed.

APPROPRIATION BILL.

The engrossed bill making certain partial appropriations for the service of the year 1814, was read a third time. [The main appropriation in the bill is one and a half millions of dollars on account of the expense of the Military Establishment.]

Mr. PIRKIN moved to lay the bill on the table until to-morrow, with a view, if the annual estimates were not then received, to move its postponement from day to day until they were received. He could not conceive why the estimates had not at least accompanied, if not preceded, the demand for an appropriation of money. It would be with an ill grace that the head of the War Department could assign his absence from the seat of Government as a reason for their not being prepared, if such should be the fact. Be the cause what it might, he hoped the House would not pass the bill, until the estimates were received.

The postponement was also advocated by Mr. GROSVENOR, who exhorted the House, as guardians of the public purse, to use the power in their hands of refusing supplies, in order to coerce the production of the necessary estimates. The mere demand from the Head of the Department was not, in his view, sufficient warrant to justify the appropriation of money, even if a confidence were reposed in the call of such officer, which for his part he did not feel.

Mr. EPPES, of Virginia, and Mr. TROUP, of Georgia, stated in reply, as was stated yesterday by Mr. E., that the course was by no means novel, of anticipating the regular annual general appropriation by partial appropriations for particular objects; that this appropriation had been recommended by a letter from the head of the Department of War, in which it is stated, that the appropriation for the year 1813 having been expended, a partial appropriation for the year 1814, similar to that made last year, was essential to the public service; that the appropriation at this time destroyed no accountability for past or future expenditure, and sanctioned no application of public money except to objects already authorized by law, &c.

Some incidental desultory discussion took place on the amount of the appropriations of last year, &c., not generally interesting. In the course of it, Mr. CHEVES of South Carolina said he should give a reluctant vote for the bill, inasmuch as the estimates were not before the House; and Mr.

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Post declared that it was not his object, nor, he believed, that of those who voted with him, to refuse the necessary supplies; but merely to lay over the bill until the estimates should be laid before the House.

The question on the motion for postponement was decided by yeas and nays as follows: For the postponement 57, against it 104. So the motion was lost.

The bill passed without further opposition, and was sent to the Senate for concurrence.

AMENDMENT TO THE CONSTITUTION.

The House resumed the order of the day on the report of the Committee of the Whole on the proposed amendment to the Constitution, for making uniform the mode of choosing Electors of President and Vice President. The report of the committee is against the resolution.

Mr. GUNDSOHN said, in substance, that as he expected to vote on the question before the House differently from a large majority of his colleagues, he would beg permission very succinctly to assign some of the reasons by which he was governed. The reasons which operate on my mind, said Mr. G., are not such as have been resorted to in the debate. I shall support, sir, the proposition submitted by the honorable gentleman from North Carolina, (Mr. PICKENS,) because it will tend to nationalize the institutions of the country to which it relates, and will give to them a more federative republican form. At present the Electors of the Chief Magistrate of the nation are chosen by the variant modes of eighteen distinct independent State sovereignties. In some States the choice is by the Legislatures thereof; in some by general ticket; in others by districts, &c. Now, it is perfectly manifest, that where those who are to appoint the President are themselves thus selected, the election of a President may not be substantially and unequivocally by the people. There is no certainty or assurance that Electors chosen by the State Legislatures, for instance, would select the same person for President as would the people, or persons immediately appointed by them for the purpose.

Under the present mode, the fact cannot be concealed, and I am far from attempting to disguise it, that recourse must of necessity be had to the agency of bodies called caucusses—and I do not know, sir, under the present arrangement how they could be avoided. The custom, for example, in the States choosing Electors by general ticket, is for the Legislatures of such States to meet informally, that is in caucus, and to designate and recommend to the people certain persons for the most part unknown to them, to be Electors; and these persons are accordingly uniformly chosen by the people. In this case the right of election is virtually exercised by the Legislatures, and only formally by the people. This is obvious to every gentleman. It would be uncandid to deny it. Here then, not intentionally, but from the very nature of our institutions, there is an encroachment on the privileges of the citizen. Now, sir, without any previous nomination, or recom-

mendation in this way of Electors to the people, I would prefer that the people themselves should select by districts, and within their acquaintance, their own immediate responsible agents for the purpose of appointing a President. Thus we should have a system at once uniform and national, and referring directly to the people for their decision. And in all cases I would prefer a decision by the people, where it is practicable and can be fairly expressed.

Let it not be understood that I am fond of an innovation, or that I would encourage frequent Constitutional amendments. No, sir; on the contrary. I have with much reflection adopted it as a fixed principle, that, in a Government whose form is a pure representative democracy, I would make no change in the Constitution except such as should be suggested by practical experience. I never would alter a Republican Constitution merely for the sake of theorizing. Testing the operations of our Constitutional provision on the subject now before the House by this maxim, the question arises whether any partial inconveniences have resulted. It is perfectly notorious that such inconveniences have taken place, and they require to be remedied. They need not be recited. I am justified by experience in saying I would take as little power out of the hands of the people as possible. I would restore it to them in this case—I would not deprive them of the important privilege embraced and secured to them by the amendment before us. There is no necessity for withholding it, and it is at least as likely to be exercised with safety by the people as in any other way. I therefore hope the amendment will be adopted.

Mr. WRIGHT, Mr. MACON, and Mr. ALSTON, spoke against the report; when the further consideration of the report was postponed to tomorrow, on the suggestion of Mr. GASTON, that he had understood that some gentlemen who had voted against the amendment were friendly to the principle of the proposed amendment, but opposed to its detail; and that, being desirous that the principle should be fairly tried, he wished time to prepare an amendment which should place the principle directly before the House.

THE ATTORNEY GENERAL.

Mr. TAYLOR, of New York, offered for consideration the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of making it the duty of the Attorney General of the United States to keep his office at the seat of Government during the session of Congress; and that they have leave to report by bill or otherwise.

Mr. T. observed that it would seem to be necessary, from the experience of the House, that the law officer should be present during its sessions. In most of the States, the law officer was required to be present during the sessions of their Legislatures, and all papers involving legal questions were referred to him for his opinion thereon. The vast importance of the acts frequently before Congress, and their bearing on pre-exist-

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ing laws, seemed to render it especially necessary that such an officer should be present at this place during the sessions of Congress; and to bring the subject before the House, he had moved this inquiry.

The resolution was agreed to without opposition.

ASSUMPTION OF DIRECT TAX.

The House resolved itself into a Committee of the Whole on the bill to amend the 7th section of the act to lay and collect a direct tax within the United States.

The bill having been read through—

Mr. TAYLOR observed that the Legislature in New York holds but one session annually, which commences on the last Tuesday in January, and that the bill is intended to give to New York the same privilege of electing to pay its quota of the direct tax into the Treasury as has been enjoyed by other States under the seventh section of the act to lay and collect a direct tax within the United States.

The obvious propriety of passing the bill was evident from the same consideration which induced the introduction of the general principle of State assumption into the act of last session. But there was another consideration, intimately connected with the original compact between the States, to which he begged leave to ask the attention of the Committee. The Federal Constitution was ratified in convention by most of the States between the Autumn of 1787 and the Spring of 1788. New York was among the last States adopting it. If his memory served him, it was last except North Carolina, the Convention in the latter State having closed its session on the first of August, and in the former on the 26th of July, 1788. Considerations connected with the general power vested in Congress by the Constitution to lay and collect direct taxes, had among others in the State of New York an effect to retard its ratification. And when the Convention finally yielded their assent, they took care in the same document to enjoin it upon their Representatives in Congress to exert all their influence, and use all reasonable means to obtain a ratification of several amendments, among which is the following:

“That Congress do not lay direct taxes but when the moneys arising from the impost and excise shall be insufficient for the public exigencies, nor then until Congress shall first have made a requisition upon the States to assess, levy, and pay their respective proportions of such requisition agreeably to the census fixed in the said Constitution, in such way and manner as the Legislature of the respective States shall judge best; and in such case, if any State shall neglect or refuse to pay its proportion, pursuant to such requisition, then Congress may assess and levy such State proportion together with interest at the rate of six per centum per annum, from the time of payment prescribed in such requisition.”

The same Convention expressed their confidence that all laws in the meantime to be passed by Congress, would conform to the spirit of that and the other amendments, as far as the Consti-

tution would admit. A conviction of the propriety of such amendment was not peculiar to New York. An amendment was recommended by the Convention of North Carolina in the following words:

“When Congress shall lay direct taxes, they shall immediately inform the Executive power of each State of the quota of such State, according to the census herein directed, which is proposed to be thereby raised; and if the Legislature of any State shall pass a law, which shall be effectual for raising such quota at the time required by Congress, the taxes laid by Congress shall not be collected in such State.”

An amendment in the same words was proposed by the Convention of Virginia, accompanied with an injunction upon their Representatives in Congress to use all reasonable and legal methods to obtain its ratification.

The Convention of South Carolina accompanied their ratification of the Constitution with resolutions:

“That the General Government of the United States *ought never* to impose direct taxes but when the moneys arising from the duties, imposts, and excise, are insufficient for the public exigencies, nor then until Congress shall have made a requisition upon the States to assess, levy, and pay their respective proportions of such requisitions.”

And “That it be a standing instruction to all such delegates as may hereafter be elected to represent this State in the General Government, to exert their utmost abilities and influence to effect an alteration of the Constitution, conformably to the foregoing resolution.”

The Convention of New Hampshire proposed an amendment embracing the same principle, and in nearly the same words, as that of New York. Even Massachusetts, at that time distinguished among the States for her attachment to the general interest of the Confederation, and having given the most signal examples of her confidence in the General Government, did not ratify the Federal Constitution without recommending the same amendment proposed by New York. The direct tax for the ensuing year has already been assumed by several States. He did not speak from authority, but it was understood that it had been assumed by New Jersey, Pennsylvania, Kentucky, Ohio, South Carolina, and Georgia, making an aggregate in amount of about one-third part of the whole tax. He wished to afford to New York the same privilege as had been enjoyed by other States, and such was the object of this bill.

Mr. ROBERTSON remarked that from the extent of territory of the State which he represented, and the very small compensation attached to these offices, it would be impossible in that State to get proper persons to accept the office either of assessor or collector; so that the only way in which the direct tax could be collected in that State, would be by the interposition of the Legislature. But that Assembly did not meet until this month; so that the law as it now stood would not embrace the case of Louisiana. He proposed, therefore, to amend the bill so as to

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extend the time, but, not having his amendment ready, must defer the motion to a future opportunity.

After an observation from Mr. TAYLOR, that an understanding with the constituted authorities of that State might obviate the necessity of legal provisions in relation to its quota, as it was generally understood the State would assume its proportion, the Committee rose and reported the bill; which was ordered to be engrossed for a third reading.

THURSDAY, January 10.

Mr. KILBOURN and Mr. JENNINGS severally presented petitions from sundry inhabitants of the several States and Territories West of the Alleghany mountains, praying that donations of land may be granted to actual settlers on the Northwestern frontier of the United States, the better to protect the said frontier.—Referred to the Committee on Military Affairs.

On motion of Mr. McKIM, the Committee of Ways and Means were instructed to inquire whether any, and, if any, what amendments are necessary to the laws laying and collecting a duty on imports and tonnage, with a view to prevent frauds, and more perfectly to secure the revenue arising from this source, and that the committee have leave to report by bill or otherwise.

The said resolutions were read, and ordered to lie on the table.

An engrossed bill to amend the seventh section of the act, entitled "An act to lay and collect a direct tax within the United States," was read the third time, and passed.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of

Representatives of the United States :

I transmit, for the information of Congress, copies of a letter from the British Secretary of State for Foreign Affairs to the Secretary of State, with the answer of the latter.

In appreciating the accepted proposal of the Government of Great Britain for instituting negotiations for peace, Congress will not fail to keep in mind, that vigorous preparations for carrying on the war can in no respect impede the progress to a favorable result; whilst a relaxation of such preparations, should the wishes of the United States for a speedy restoration of the blessings of peace be disappointed, would necessarily have the most injurious consequences.

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The said Message and documents were read, and ordered to lie on the table.

Another Message was also received from the President of the United States, transmitting the annual report of the Director of the Mint.

A message from the Senate informed the House that the Senate have passed the bill "making certain partial appropriations for the service of the year 1814," with amendments, in which they ask the concurrence of this House. The Senate have also passed, *unanimously*, the resolution rela-

tive to the brilliant achievement of Captain James Lawrence, in the capture of the British vessel of war *Peacock*."

The House resumed the consideration of the report of the Committee of the Whole on Mr. PICKENS's motion; which was debated for some time by Mr. GROSVENOR in opposition, and Mr. GASTON and Mr. PICKERING in favor of the proposed amendment to the Constitution. Mr. MURFREE also spoke at length in favor of an uniform choice of Electors, not by districts, as proposed, but by the State Legislatures.

On motion of Mr. JENNINGS,

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of compensating Captain William Hargrove, and the officers and privates under his command, for services rendered the United States as mounted rangers of the Northwestern frontier.

Mr. INGERSOLL, from the committee to whom was referred the memorial of Oliver Evans, and of others, interested on the subject of patent terms in general, and Mr. Evans's improvements in milling particularly, made a report, in part, on the petitions of the flour manufacturers against Oliver Evans's patent, concluding with a resolution, that "their petition ought not to be granted." This report was, on motion of Mr. FISK, of New York, referred to a Committee of the Whole.

Mr. INGERSOLL stated, also, for public information, that, in relation to the subject at large of the extension of patent terms generally, it was the committee's impression that it would be inexpedient generally to extend the terms of patent rights, though an extension might be due to Mr. Evans's improvements of the steam engine. A decision on this question, however, had been deferred by the committee, with a view to afford an opportunity to persons claiming like indulgence to bring their claims before Congress.

LIEUTENANT GENERAL PROPOSED.

Mr. MURFREE offered for consideration the following resolution:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of empowering by law the President of the United States, by and with the advice and consent of the Senate, to appoint one Lieutenant General to command the Armies of the United States, with such powers and emoluments as may be deemed expedient.

Mr. M. said, in his opinion the result of the last campaign had disappointed the expectations of every one. That opinion had been decidedly expressed by this House, in its recent vote for inquiry into the causes which led to the failure of our arms. However general might be the opinion in this House, it was still more so in the nation. He hoped and trusted the inquiry embraced in the resolution just alluded to, would be so prosecuted as to show where the blame really rests; that, if misconduct has taken place, it may be laid at the door of the person by whom it was committed; for, as the matter now stands, no two persons in the House would agree on the causes whence this unexpected result has proceeded. But

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the inquiry, desirable as it is, though it may point out the cause of recent failures, cannot operate any beneficial effects on the next campaign. The time, Mr. M. said, was fast approaching when that campaign ought to commence, and, as far as he had seen, no measures, the tendency of which was to render the ensuing campaign more successful than the last had been adopted. In every age, and under every Government, it had been found necessary to have some officer appointed who should be responsible for the conduct of the army, so that it should not require an investigation of two or three years to ascertain who was to blame for any particular error or misconduct. Previous to the war with France, in 1798, it was thought necessary to have a person of that character. At that period, Mr. M. said, there were a great many more of the officers of our Revolutionary army living than there are now, many of whom held seats in Congress. He should be justified in saying, there was at least as much military talent in the nation at that time as there is now; and if it was at that day expedient, on a mere prospect of war, to appoint a Lieutenant General, he could not for his own part conceive that the same step was not equally necessary at this day, when war actually exists. It must, indeed, be admitted on all hands, to be more necessary now than it was then. It was a fact, he said, of which no gentleman in the House could be ignorant, that the Secretary of War had been absent from the seat of Government for some months, for the purpose, as report said, of giving effect to the operations of the campaign. If such was his object, what was that but assuming upon himself the office of Commander-in-Chief? If it was necessary such an office should exist, he conceived it highly proper that another officer should be appointed to execute its duties, and that they should not devolve on the Secretary of War, in addition to the important duties prescribed for him to perform. It was true, Mr. M. said, that he himself had no pretensions to military knowledge; but, without making any pretension to it, he might be permitted to presume that the same men and the same measures would, in the next campaign, produce the same result as in the last; and he offered the above resolution under the hope that some benefit would result from any change whatever.

Mr. WRIGHT said, he did not rise to oppose the reference of this subject to the military committee; but he rose to put the gentleman right as to the feeling of the House and of the nation, which he appears so much to have misunderstood. Have the arms of the United States failed in the campaign? Have we not, on the contrary, been marvellously successful? We have gained a province taken from us. Is that nothing? Lake Erie, a great inland sea, occupied by the enemy at the commencement of the campaign, and all its shores, are ours. We conquered and took the army of the enemy in that quarter; we reduced all the Indian tribes under the yoke of the United States, and compelled them to beg for subsistence for their wives and children from us. Here there

is a whole country emancipated from the British sway. Yes, sir, we regained a province we had lost, and conquered all Canada to the east end of Lake Ontario. Under a Pike, did we not succeed in taking York? Did we not succeed entirely in everything previous to the close of the campaign? On Lake Ontario the great Yeo, who was to conquer us with so much facility, was driven into port, and we were in possession of all the waters of the Lake, with the exception of the water in the vicinity of the harbor of Kingston. Three weeks' storm and rain washed our troops into general sickness and debility, and yet they proceeded on, and are even now lying at the key of Canada, and ready to descend to Montreal the moment the season permits. True it is, said Mr. W., that public expectation was raised to a high pitch. What man could do we could achieve; but it was impossible to war against the elements, or we should long ere now have been in possession of Montreal. For his part, Mr. W. said, he attached no blame to any one; and it was cruel, on such a subject as this, to anticipate judgment before the evidence necessary to enable them to decide was submitted to the House. It was a calumny to say our arms had failed. We had never directed a blow that had not its due effect. But it was said the Secretary of War assumed the command. If a Lieutenant General be appointed, Mr. W. said, he would be as much subordinate to the Secretary of War as the present officers of the army were. When the last session of Congress ended, and he could without disadvantage leave the seat of Government, the Secretary of War had left his ease here, and voluntarily encountered all the toil and fatigue of a camp life, to contribute his best efforts to the success of our arms; and was there any man in the nation who would disapprove his conduct? We do injustice, said Mr. W., to the characters we thus censure, and not much credit to ourselves. The man who undertakes to give an opinion without evidence, is not qualified to decide on it when he has it before him, for he must be too prejudiced to judge correctly. Mr. W. observed he had objected to the resolution passed the other day, because there had been no failure of our arms. No officer had deserved condemnation until evidence appeared against him; and there was no evidence against the courage or conduct of our army, which had displayed, not Roman, but American valor; so conspicuous, indeed, had been the courage displayed, both by our army and navy, that he hoped the man who should hereafter speak of Roman valor, on this floor, would be considered as speaking in the second degree, and not the first.

Mr. FISK, of New York, said, before the question was taken on this resolve, he should prefer to see the House engaged in raising an army calculated to require the command of an officer of so high a grade. For, after all that might be said, and all the inquiry that could be had, it would be found to be owing to want of soldiers more than want of officers that our army had not accomplished all that was expected of them during

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the last campaign. With a desire that Congress should first organize a force large enough for the command, before they instituted an office of this grade, Mr. F. moved that this resolution lie on the table.

This motion was agreed to without a division; and the resolution lies over for further consideration.

GOVERNOR CHITTENDEN.

Mr. SHARP, after a number of introductory remarks, explanatory of the laws relating to the militia, which subject them, when in actual service, to the rules and articles of war, and place them, during such time, in all respects on the footing of regular troops, adverted to the recent proclamation of Governor Chittenden, of Vermont, calling the militia of that State from the position assigned them by military orders. This act, he said, was in direct violation of the statute, which makes it penal to entice the soldiers in the service of the United States to desert. This act was done, too, at a critical time, and by a person standing in so conspicuous a station as to require particularly the punishment due to his offence. Mr. S. adverted to the peculiar station of the militia thus ordered home, on a frontier requiring their presence for its protection; and whence, he said, from their character, they might, indeed, have been expected, being the descendants of the Green Mountain Boys who so much distinguished themselves during our Revolution under the illustrious Allen, to have voluntarily aided in the invasion of the territory of the enemy. Under these circumstances, and when their services were most needed, they were invited by Governor Chittenden to desert their position. His conduct in this respect must meet the decided reprehension not only of every member of this House, but of every good citizen in the nation. It ought then to receive legal scrutiny. His offence ought to be punished, lest our laws should be subject to the remark which was applied to Solon's: that they were like cobwebs, which entangled the weak, but which the strong could break through. To bring this subject directly before this House, he offered the following resolutions:

Resolved, That the militia of any of these United States, or the Territories thereof, when lawfully employed in the service of the United States, are subject to the same rules and articles as the troops of the United States.

Resolved, That every person not subject to the rules and articles of war, who shall procure or entice a soldier in the service of the United States to desert, is guilty of an infraction of the laws of the United States, and subject to punishment.

Resolved, That his Excellency Martin Chittenden, Governor of the State of Vermont, by issuing his proclamation, dated at Montpelier on the 10th day of November, in the year of our Lord 1813, did entice soldiers in the service of the United States to desert. Therefore,

Resolved, That the President of the United States be, and he is hereby, requested to instruct the Attorney General of the United States to institute a prosecution against the said Martin Chittenden.

Mr. FISK, of Vermont, said he had hoped, and in so saying he believed he expressed the sense of the whole delegation from the State of Vermont, that these resolutions would not have made their appearance. He believed that very few persons in Vermont approved of that proclamation. He was certain there were none of the delegation from that State who approved it. The act was unjustifiable; but it was the act of the Governor of a State. The resolutions were objectionable in several points of view, of which he would briefly notice only one or two. If Gov. Chittenden had committed an offence against the laws, he was liable to the proper tribunal. It was not proper that the House of Representatives should turn informers. The courts of justice should be as clear from any improper influence as possible. If the resolutions should be adopted, and the weight of the opinion of the House of Representatives were such as it ought to be, it would be conclusive against the individual concerned; if, however, they failed in convicting him, and merely excited public sympathy in his favor by their accusation, it would place this body in an unpleasant, if not ridiculous point of view. In such case the House had no Constitutional power; and all resolutions on the subject must be improper. As well as for another reason: these resolutions declare the law to be so and so, and then declare the Governor to have violated the law. Now, said Mr. F., our resolutions neither make or strengthen laws, and therefore can be of no use. Viewing the resolutions as objectionable in every point of view, he moved that they lie on the table.

Mr. SHARP said, as the delegation from Vermont appeared to object to the form or principle of these resolves, he had no objection to let them lie for consideration.

Mr. GROSVENOR said, if, without expressing any opinion on the part of this House, the resolutions merely directed the Attorney General to institute a prosecution against Governor Chittenden, he, for his own part, would not object to them. He had no objection to let the Judiciary, under the Constitution and law, decide the question at once, whether the Governors who had acted with Governor Chittenden had or had not acted constitutionally. Without knowing what was the opinion of others, if that part was expunged which threw the opinion of this House in the scale against the gentleman implicated, he should not object to a resolution which should place the question properly before a judicial tribunal, where alone it could be correctly decided.

Mr. WRIGHT said he was of the same opinion with the gentleman last up, but for a different reason. He did not wish the crime in question to be considered as the mere breach of a penal law. He held in his hand the Constitution of the United States, which defined the crime of treason to be levying war, &c., and affording aid and comfort to the enemy. He had no idea of confining the offence of Governor Chittenden either expressly or by inference to the mere peccadillo of violating a law, when he appeared to

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have violated so much more important and authoritative an instrument.

Mr. FINDLEY said he had no objection to the resolutions lying on the table; but was totally opposed to this House giving its opinion on the law, or directing the prosecution of any one. He was opposed to the whole resolutions, because he believed no good could come of them, though he should, for the present, vote for their lying on the table.

The resolutions were then ordered to lie on the table.

FRIDAY, January 7.

The amendment of the Senate to the resolution relative to the brilliant achievement of Captain James Lawrence, in the capture of the British vessel of war the *Peacock*, was read, and concurred in by the House.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting a statement of money appropriated for the Military Department, for the year 1813, which was read, and ordered to lie on the table.

Mr. JACKSON, of Virginia, called up his amendment proposed to the Constitution, which was referred to a Committee of the Whole.

MEMORIAL OF PAUL CUFFE.

Mr. WHEATON presented a petition of Paul Cuffe, a free colored man, who states, that, from motives of religion and humanity, he hath been induced to attempt the civilization and amelioration of the condition of the inhabitants of the African Continent, and praying permission for a vessel to depart from the United States, to Sierra Leone, for the purpose of carrying a number of families of free colored people, to effect the object of his undertaking.—Referred to the Committee of Commerce and Manufactures. The memorial is as follows:

To the President, Senate, and House of Representatives of the United States of America.

The memorial and petition of Paul Cuffe, of Westport, in the State of Massachusetts, respectfully sheweth, that your memorialist, actuated by motives which he conceives are dictated by the philanthropy which is the offspring of Christian benevolence, is induced to ask the patronage of the Government of the United States, in affording aid in execution of a plan, which he cherishes a hope may ultimately prove beneficial to his brethren of the African race within their native climate.

In order to give a complete view of the object in contemplation, it may not be considered trespassing too much on your time, to premise some of the leading circumstances which have led to the present application. Your memorialist, being a descendant of Africa, and early instructed in habits of sobriety and industry, has gratefully to acknowledge the many favors of a bountiful Providence, both in preserving him from many of the evils which the people of his color too often have fallen into, and also, by blessing his industry with such a portion of the comforts of life as to enable him in some degree not only to commiserate, but to relieve the sufferings of his fellow creatures;

and having early found implanted in his heart the principles of equity and justice, he could but view the practice of his brethren of the African race in selling their fellow creatures into a state of slavery for life as very inconsistent with that divine principle; and, in his mature age, having been greatly interested in the abundant labor of many pious individuals, both in this country and in England to produce a termination of the wrongs of Africa, by prohibiting the slave trade, and also to improve the condition of the degraded inhabitants of the land of his ancestors, he conceived it a duty incumbent upon him, as a faithful steward of the mercies he had received, to give up a portion of his time and his property in visiting that country, and affording such means as might be in his power to promote the improvement and civilization of the Africans.

Under these impressions he left his family, and with a sacrifice of both time and money visited Sierra Leone, and there gained such information of the country and its inhabitants, as enabled him to form an opinion of many improvements that appeared to him essential to the well-being of that people. These he had an opportunity of communicating to several distinguished members of the Royal African Institution in London, and he had the satisfaction at that time to find that his recommendations were approved by the celebrated philanthropists, the Duke of Gloucester, William Wilberforce, Thomas Clarkson, William Allen, and others, and has since learned that the institution have so far acceded to his plans as to make some special provision to carry them into effect. One of these objects was to keep up an intercourse with the free people of color in the United States, in the expectation that some persons of reputation would feel sufficiently interested to visit Africa, and endeavor to promote habits of industry, sobriety, and frugality, among the natives of that country.

These views having been communicated by your petitioner to the free people of color in Baltimore, Philadelphia, New York, and Boston, they, with a zeal becoming so important a concern, have manifested a disposition to promote so laudable an undertaking, and several families, whose characters promise usefulness, have come to a conclusion, if proper ways could be opened, to go to Africa, in order to give their aid in promoting the objects already adverted to. Your petitioner, still animated with a sincere desire of making the knowledge he has acquired, and the sacrifices he has already made, more permanently useful in promoting the civilization of Africa, solicits your aid so far as to grant permission that a vessel may be employed (if liberty can also be obtained from the British Government) between this country and Sierra Leone, to transport such persons and families as may be inclined to go, as also, some articles of provision, together with implements of husbandry, and machinery for some mechanic arts, and to bring back such of the native productions of that country as may be wanted.

For although pecuniary profit does not enter into calculation in the object in contemplation, nor does it afford any very promising prospects, yet, without a little aid from the trifling commerce of that country, the expense would fall too heavy on your petitioner, and those of his friends who feel disposed to patronize the undertaking. Your petitioner therefore craves the attention of Congress to a concern which appears to him very important to a portion of his fellow creatures, who have been long excluded from the common advantages of civilized life, and prays that they will af-

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ford him and his friends such aid as they in their wisdom may think best.

With much respect, I am your assured friend,

PAUL CUFFE.

Westport, 6th month, 1813.

CLAIM OF REBECCA HODGSON.

Mr. ARCHER, from the Committee of Claims, made a report on the petition of Rebecca Hodgson, which was read, and committed to a Committee of the Whole on Monday next.

The report is as follows:

That by virtue of a lease dated on the 14th day of August, 1800, the house of a certain Joseph Hodgson, in the city of Washington, was let to Samuel Dexter, the then Secretary of War, for the term of eight months; in which lease the said Dexter covenanted, for himself and his successors, to keep the said premises in good and sufficient repair, ordinary decay and inevitable casualty excepted: and the same, so kept in repair, at the expiration of the term to deliver up to the said Hodgson: That, in pursuance of the lease, Mr. Dexter took possession, in the name of the United States, of the building and premises, and occupied the same as a public office: That, on the evening of the 8th day of November, 1800, a fire communicated itself to the house, by which it was destroyed: That, after the expiration of the term for which the house had been leased, Joseph Hodgson instituted a suit against Samuel Dexter for an alleged breach of the covenant contained in the lease, in not delivering up the premises in good and sufficient repair. But the Supreme Court of the United States, at February term, 1803, gave judgment against the plaintiff, on the ground, that as Dexter was a public agent of the Government, he was not responsible in his personal and individual capacity. The court, however, in their decision in this case, gave no opinion on the liability of the United States.

The present petitioner is the legal representative of Joseph Hodgson, and claims of the Government damages equal to the value of the house, in consequence of its destruction by fire.

In determining on the legality of the petitioner's claim, it becomes necessary to examine the signification and true construction of the words "inevitable casualty," and to ascertain whether the destruction of this house took place by such an inevitable casualty as exonerates the lessee from the operation of the covenant, for a breach of which damages to the lessor would necessarily result. The acts of God, which may be defined to be such occurrences as could not happen by the intervention of man, as storms, lightnings, earthquakes, and tempests, are very properly denominated inevitable casualties. But the expression cannot be confined to those accidents alone which human efforts cannot control; for it has been applied by eminent authority to those occurrences which may be checked or subdued by the exertion of man. Lord Mansfield, the uniform correctness of whose administration of civil jurisprudence has been often eulogized, considers a fire which originates without negligence or design, as an inevitable accident; and Sir William Jones, whose style is universally admired for its purity and precision, in different passages in his elementary treatises on bailment, calls a fire happening under the same circumstances of accident, an inevitable accident, and an inevitable mischance. By these two distinguished jurists, a fire happening without negligence

or design, is considered as an inevitable casualty equally with storms, lightnings, or tempests. The true definition, then, of the term "inevitable casualty" may be taken to be such an accident as cannot be avoided by ordinary care and diligence.

The next inquiry which presents itself for consideration is, whether the fire by which the house of Hodgson was destroyed, took place by negligence, accident, or design. In making their determination upon this subject, your committee conceived themselves bound to examine, not only the evidence adduced by the petitioner, but other testimony, which, from an examination of the journal of the House, they found to be in existence, and to be applicable to the case. On the 10th of February, 1801, a committee was appointed to investigate the causes of the late fires in the War and Treasury Departments, who, on the 28th of the same month, reported to the House a variety of depositions which they had taken in relation to the subject of their inquiry. From all of which there results a strong probability that the fire in the War Department (Hodgson's house) was communicated from the fire-place of the adjoining building, and that there is no evidence whatever on which to found a suspicion of its having originated from negligence or design. If, then, the view which your committee have taken of that clause in the lease which bears upon the present claim, and the conclusion which is drawn from the testimony, be correct, it necessarily follows that the petitioner can have no claim against the United States for compensation or damages, until other evidence shall be adduced, which, by outweighing that already in existence, shall prove the destruction of the house to have been produced by negligence or design. Your committee, therefore, conclude with submitting the following resolution:

Resolved, That the petition of Rebecca Hodgson, administratrix of Joseph Hodgson, ought not to be granted.

POST OFFICE PATRONAGE.

Mr. INGERSOLL, of Pennsylvania, said he rose to submit a resolution, which he trusted would be generally acceptable; because it was intended, and he believed calculated, to correct one of the most unwarrantable abuses that pervades and violates the principles of the Federal Constitution. I mean, said Mr. I., a resolution for inquiring into the expediency of so amending the laws now in force for the regulation of the General Post Office Establishment as shall render appointments under that establishment more conformable than they are at present to the provisions existing for other appointments under the Government. It has always been an objection urged by many respectable individuals against the Constitution of the United States, from the time of its adoption down to this moment, that the Executive Chief Magistrate is entrenched behind too formidable a barrier of patronage and influence. Yet that officer can make hardly an appointment without submitting the nomination to an ordeal in the Senate; an ordeal well known to be of the most trying kind—for very recently it would occur to everybody that, after being tested in the Senatorial crucible, some distinguished individuals not answering the assay, had been rejected as found wanting and thrown back upon the President. The War Department cannot make an officer, from a major general to a cornet, without the intervention of

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the Senate. Nor can the Navy Department. Within a few years an honorable member, now in his place in the Senate, had, very meritoriously, introduced and carried into operation a provision for depriving the Secretary of the Navy of the privilege of appointing pursers at his will without the necessity of a Senatorial supervision.

If, then, sir, said Mr. I., neither the President nor any one of the Executive Secretaries enjoys such a field of irresponsible patronage, I submit it to every man attached to the principles of the Constitution, to consider whether the head of the General Post Office should be allowed, without control, without appeal, without question, to command the services of a band of agents consisting, unless I am incorrectly informed, of not less than three thousand individuals, distributed throughout the territories of this extensive continent. Though rotation in office is not a principle embodied in the Constitution, yet it is well known to be held so sacred by many that certain eminent personages had deemed it becoming them to afford it all the illustration in their power, by consecrating it in practice and example. Now, sir, it is not the least alarming feature of the abuse I complain of, that the gentleman at this time presiding over the General Post Office Establishment has remained at that post during a long period of years—I cannot say exactly how long, but I believe during nearly four several Presidential terms of office—during all which period the number of his subalterns has been increasing, until they have reached three thousand persons, who, under another head of this department and another order of things, might be planted as the worst of emissaries, for the worst of purposes, over the United States of America. I am not now prepared to say, and I desire it to be distinctly understood that I do not mean to say, that this great trust has been abused in practice by the present Postmaster General; though I cannot deny myself leave to remark, that if no abuses have taken place, it is a proof that that gentleman is a purer one than I ever knew, or heard or read of. This patronage extends not merely to the uncontrolled appointment of inferior deputies. He has moreover within his gift places which, in that particular unfortunately too seductive, that is, in point of emolument, are better worth having than any one of the honorable stations occupied by the Secretaries immediately about the person, and in the Cabinet of the Executive.—While therefore I disown any view to implicate the General Post Office in culpability at present, I cannot help apprehending that other masters and other times may come, when honorable Senators or other elevated men may be diverted, perverted possibly, from their duties, by hopes allowed to be entertained that a Postmaster may be prevailed on to translate them from their public places to others of less dignity but more emolument. It does appear to me that unless some remedy be applied to this evil, and that without delay, we are in danger of a new order of Jesuits, in this country, with an unlimited General at their head, to dictate his orders, and enforce them,

under all the pains and penalties of removal from their deputations. All that I require is, that the Post Office Establishment should be put on the footing of all the other departments of the General Government; that this should be done as soon as possible, and that an effectual remedy should be applied to this great and dangerous evil. With these views, and the object which he had avowed, Mr. I. offered the following resolution :

Resolved, That a committee be appointed to inquire into the expediency of revising the laws regulating the General Post Office Establishment of the United States, and of so amending them as to render them more conformable than they are at present to the principles of the Constitution, as regards appointments to office under that establishment.

Mr. GHOLSON moved to amend the resolution so as to refer it to the standing Committee on Post Offices and Post Roads. This motion was opposed by Mr. INGERSOLL, on the ground of the press of business already before the committee—and was negatived. Mr. RHEA, of Tennessee, moved to lay the resolution on the table; which motion was also negatived.

The vote on the resolution was as follows—for the motion 73, against it 53.

So the resolution was passed, and a committee ordered to be appointed. Mr. INGERSOLL, Mr. BARNETT, Mr. ROANE, Mr. HUMPHREYS, and Mr. SHIPHERD, were appointed the committee.

NORTHERN ARMY.

Mr. GROSVENOR, of New York, rose to make a motion which grew out of the present situation of our Army on the Northwestern frontier, and of the frontier generally, which was daily and hourly subject to attack from the enemy—and on which subject he felt particularly sensitive, because of the proximity of the district he represented to the scene of action. It was well known to the House that higher up, on the Niagara, there had been an attack by the enemy, which was completely successful, and in which a fort was destroyed. That evil, if traced to its source, would probably be found to be owing to the want of competent officers. He did not mean to say, for he did not know, whether the commander was in fault, for his absence from the post, or not. If even in his absence a surprise had taken place, there must have been a miserable defect in the capacity of the remaining officers. Be the fact in this respect as it might, it is well known that many of our officers had, from some cause or other, recently left the main body of the Army on the frontier. He had understood, by letters, that scarcely officers sufficient remained to perform the ordinary camp duties. He did not blame the absent officers—for it was natural, if they were permitted, that they should seek a milder climate. In his view of the subject, however, conceiving our Army to be more exposed at this moment than any other, the practice of granting leave of absence to so many of the officers was calculated to subject it to utter destruction. He knew not that his views on this subject were correct; but they coincided with the gen-

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eral views of all with whom he had conversed upon it. He knew not but the army or armies were perfectly safe from the enemy; but, in his view, appearances were strongly against that opinion. Besides, Mr. G. said, the Winter season was peculiarly the time to make soldiers and to make officers. Though the practice of granting furloughs to the officers of an army might not be unfrequent, yet the times were so changed, the usage ought also to be changed, if we wish to secure the safety of our Army through the Winter. It was under such impressions that Mr. G. offered for consideration the following resolution:

Resolved, That the Committee on Military Affairs be instructed to inquire into the acts, rules, and regulations, by which furloughs and leave of absence from the Armies of the United States are obtained by officers thereof, and whether the said acts, rules, and regulations, ought to be revised, altered, and amended; and that they have leave to report by bill or otherwise.

Mr. TROUP objected to this motion, as travelling out the province of the Legislature into that of the Executive. To Congress was granted the power of raising armies and granting supplies for them; but to the Executive was confided the exclusive control and direction of the armies when raised. To enable him properly to execute this duty, the President had been vested with the most arbitrary powers—the power of dismissing without assigning a cause, and, jointly with the military courts, of cashiering, and inflicting on officers other punishments, even unto death. The power then of controlling military movements, said Mr. T., is not with us, but with the Executive. He may dismiss any officer of the Army, and even the Secretary of War, for misconduct; and the power of control, possessed by this House, is the power of impeaching the President if he fail in the performance of his duty. True it was, the enemy had, on a recent occasion, surprised us, found us slumbering in our beds, in a thoughtless manner—but it was not for him to say where the blame lay of that occurrence. In relation to the officers now absent from the Army, he could only say that he had heard—and he had heard because, in his capacity of Chairman of the Military Committee, it had become his duty to inquire into the matter—that when the Army lately went into cantonments, there were found to be a considerable number of supernumerary officers attached to it. An order had been issued by the commanding General to consolidate the troops into full and complete regiments and allot to each of the regiments so formed its proper complement of officers. That order being properly executed, the supernumerary officers were thrown out of employ—and orders were given to them to repair to the different recruiting stations, where unquestionably they would be occupied more beneficially to the service than in any other way. This was the fact in relation to the absence of the officers generally who were not with the Army. It struck him, Mr. T. said, that there was something objectionable in the object of the resolution. It proposed to make the manner of granting fur-

loughs a matter of legislative provision, when in fact it was a thing which could not properly be legislated upon, depending so entirely, as it did, on circumstances and on the state of the Army. If Congress were to make a law, that no furloughs should be granted, there was not an honorable man in the country who would accept a military office. This being his view of the subject, he hoped the resolution would not pass.

Mr. GROSVENOR said, he had offered this resolution from no captious feeling, but from a sincere fear that the Army might be subject to destruction from the absence of these officers. He could not have positive information that such was the exposed situation of the Army, but he was informed letters had been received in this city from the officers stationed there, importing that they were kept constantly on fatigue duty. As conservators, in part at least, of the interest of the United States, he wished the House to make inquiry into these facts; not that he desired himself to propose any regulations or modification of existing laws to remedy the evil, but he wished to refer the subject to the proper Military Committee, to inquire whether any abuses exist of the privilege of furlough, and, if so, whether it was possible to provide a remedy. He did not wish to impeach any officer of a breach of duty; he did not even know what were the rules and regulations on the subject. This was what he desired the committee should inquire into. Congress had the power to make rules and regulations for the government of the Army; and without any invasion on the functions of the Executive, the granting of furloughs might be made a subject of legislation—and he merely wished to inquire whether such legislation was necessary. Are gentlemen satisfied, asked Mr. G., with the present state of things on the frontier? Do they know that our Army is safe? If there were officers enough on the frontier, the supernumerary officers might indeed be well employed in recruiting. But it was not into the absence of such officers he wished to inquire, but into the cause of the absence of those who were merely seeking their own personal convenience. At least he wished the House to permit an inquiry. We cannot, said Mr. G., hope to conquer Canada in a way like this. The conquest of the British provinces is not the business of a single campaign. Your Army is in the neighborhood of the enemy; and this is a moment when your troops should be carefully taken care of and disciplined. For this purpose, it is desirable, as far as possible, that your officers should be with the armies. Mr. G. concluded by saying that he did not wish to insinuate that any particular officer was to blame for the present state of things; but that an evil exists, which in his opinion required a remedy.

Mr. TROUP deprecated the disposition which appeared to prevail in that House to interfere in the management of the Army. If the members of this House undertook to make themselves judges of the manner in which the war ought to be conducted, there would be about as many opinions

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as there were members in the House; and at last, after all their opinions, the war must be conducted by the Executive in such manner as he might deem most consistent with the public interest. The gentleman last up had fairly avowed his ignorance of existing regulations on the subject. Mr. T. rose to inform the gentleman and the House of their nature; by whom it would be agreed they were as comprehensive as anything could be. Mr. T. here read the following article from the regulations issued from the War Office:

"No furlough shall be given during a campaign; nor any, but by the General commanding the district or army, and for the cause of disability, which disability shall be certified by a regimental or hospital surgeon.

"Furloughs shall, beside expressing the term of time granted to absentees, express also, an order to join the regiment, post, or garrison, to which they may belong.

"No order shall be given to officers seeking a furlough for their own convenience, which shall have the effect of entitling them to an allowance for transportation of baggage."

This provision, Mr. T. said, was as imperative as it could be, and had all the force of law. There was, therefore, obviously no amendment necessary to the existing provisions. In inquiring into the non-execution of this provision, if such was the object, the House assumed a duty not belonging to it, and must go upon the principle that it had a right to punish officers for misconduct; otherwise, it was not within its province to inquire into their conduct in this respect.

Mr. GHOLSON, of Virginia, said that the satisfactory information communicated to the House by the gentleman from Georgia, on this subject, entirely corresponded with the information he had derived from an officer of the Army, distinguished for his ability, as well as his devotion and zeal in the public service, with whom he had recently conversed, and who was incapable of misrepresentation. From him he learnt that there were officers enough remaining with the Army for its discipline and safety, some of whom would do honor to any army. If the resolution were to be adopted, it might produce some agitation in the public mind, but could afford to the House no other information than that already given to it by the honorable the chairman of the Military Committee; he hoped, therefore, it would not pass.

Mr. FARROW, of South Carolina, said that, in condemning this motion, he attributed no improper motives to the gentleman who moved it. A man might commit error as readily with pure as with impure motives. But he thought the motion improper. There is an officer at the head of our armies, whose duty it is to attend to them; and the House will have enough to do if it attends to all the flying reports which swarm around it. How are we to know, said Mr. F., that the officers whom we see absent from the Army are not in the line of their duty? If there be anything wrong in the conformation of the Army, we shall hear it through the proper channel, without stepping out of the line of our duty. Unless the Commander of the Army be corrupt, this House has nothing to do with its details; if he

be corrupt, lay the axe to the root at once, and do not go circuitously to work. Believing that the House had already gone far enough, possibly too far, in the inquiry it had set on foot the other day, respecting the late campaign, he was entirely opposed to the resolution now under consideration.

Mr. FISK, of Vermont, said he had not understood the mover of the resolution as accusing any one of misconduct. That disasters had happened to our forces, that complaints had been made of misconduct, was true. But the motion before the House did not necessarily condemn any one. If every one was innocent, it was due to them to inquire; if guilt or error attached anywhere, the House owed it to themselves to make an inquiry. Mr. F. was, therefore, in favor of the resolution, which he could not see to be an improper one. It was the duty of Congress to make rules and regulations for the government of the Army. To the regulation which had been read by the gentleman from Georgia, it might be necessary that they should give a more particular sanction by law, and to that end an inquiry might be beneficial. We find our enemy vigilant, said Mr. F. He undergoes a Winter campaign, whilst our armies are snugly huddled up in their quarters. I do not say there is fault on our side, though, if there be, we ought to know where it lies; but this I will say, that if some step be not quickly taken to secure them, the fruits of the Summer's campaign will be lost before the Winter ends.

Mr. CALHOUN, of South Carolina, rose to move that this resolution lie on the table. It seemed to him that the object which gentlemen appeared to have in view could not be attained by it. The object appeared to be to remedy an existing evil, viz: the absence of our officers from their posts. Any regulations of ours cannot have a present, but must have a prospective operation. Mr. C. said that he himself thought every officer ought to be at his post. He was sorry to see on our part considerable inactivity, whilst on the side of the enemy we beheld vigilance well worthy of our imitation. On the subject of furloughs, however, he did not know that any appropriate provision could be made by law. They might as well undertake to enact by law that an officer should fight bravely, or do his duty on the field of battle. There being so great a division of opinion on this subject, he moved that the resolution lie on the table.

Mr. GROSVENOR intimated that he did not expect by this motion to remedy the present evil, further than an expression of the opinion of this House would serve to accelerate that object. Mr. G. made some further observations, tending to show that the evil which he complained of really exists.

Mr. WRIGHT, of Maryland, had no objection to any inquiry, and if any person or persons were to blame, he hoped the House would not hesitate to inculcate them. But although many officers were absent from the lines, it ought to be recollected that Congress had, by law, created a supernumerary major to each regiment, and a third lieutenant to each company, for the purpose of

recruiting. These supernumerary officers, he presumed, would about include all the absentees.

Mr. TROUP added a few words. If the House was of opinion that an evil existed requiring their interposition, the direct way for the gentleman to get at it would be by a motion to request the Executive to order all the officers now absent to repair to their posts.

The question was taken to lay the resolution on the table, and decided in the affirmative.

APPROPRIATION BILL.

The bill which passed this House the other day, making an appropriation of a million and a half on account of the Military Establishment, was returned from the Senate, with an amendment appropriating a million of dollars towards the expenses of the Navy Department for 1814. This amendment passed through a Committee of the Whole, where it was shortly debated, and was reported to the House; when, on the question to concur in the amendment, a sharp debate arose. It commenced with Mr. PITKIN's objection to the appropriation, because the annual estimates were not before the House, and ended in a contest whether the Federal or Republican party were the greatest friends to an efficient navy.

[As we have not room for the debate, which was principally a repetition of what has been said by the newspapers on the latter point, we content ourselves with stating the speakers' names, as they succeeded each other, and the sides they occupied.—*Editors.*]

Mr. PITKIN, of Connecticut led the way, opposing the bill on the principle before stated. Mr. EPPES, of Virginia, quoted usage and precedent in reply, aided by Mr. McKIM, of Maryland. Mr. MACON, of North Carolina, expressed his regret at the dilemma in which he conceived the House to be placed by not having the usual estimates before them. The yeas and nays being called for, Mr. EPPES expressed his satisfaction at the call, because they would show, he said, who was or who was not disposed to support our gallant Navy. To this insinuation, Mr. SHERFEEY, of Virginia. Mr. WEBSTER, of New Hampshire, and Mr. PITKIN, of Connecticut, replied with some temper, as imputing to hostility to the Navy their opposition to the bill before them; which they declared to proceed entirely from their regard to the Constitution, which, confiding to this House the purse strings of the nation, required them rigidly to guard the accountability of public officers; they declared themselves zealous and old friends of the Navy. Mr. CULPEPER, of North Carolina, explained his vote for the bill, because he did not feel at liberty to withhold support from those already engaged in the public service. Mr. ALSTON, of North Carolina, Mr. WRIGHT, of Maryland, and Mr. ROBERTS, of Pennsylvania, seemed to think Mr. EPPES's idea not so erroneous as the gentlemen above contended, inasmuch as those gentlemen had heretofore one and all voted against making loans and laying taxes, by which alone the Navy could be supported, and it was not doubted but they would

do so again; the less doubted, because it had been openly declared from that side of the House, heretofore, that the only way to arrest the war was by a combination to withhold supplies from and prevent loans to the Government.

The question being at length taken by yeas and nays, the vote stood thus—For the Senate's amendment 99, against it 52, as follows:

YEAS—Messrs. Alston, Anderson, Archer, Avery, Bard, Barnett, Beall, Bowen, Bradley, Brown, Burwell, Butler, Caldwell, Calhoun, Chappell, Cheves, Clark, Clopton, Comstock, Conard, Crawford, Creighton, Crouch, Culpeper, Davis of Pennsylvania, Denoyelles, Desha, Duval, Earle, Eppes, Evans, Farrow, Findley, Fisk of Vermont, Fisk of New York, Forney, Franklin, Gholson, Glasgow, Griffin, Grundy, Hall, Harris, Hasbrouck, Hawes, Hubbard, Humphreys, Hungerford, Ingersoll, Ingham, Irwin, Jackson of Virginia, Johnson of Virginia, Kennedy, Kent of Maryland, Kerr, Kershaw, Kilbourn, King of North Carolina, Leferts, Lewis, Lowndes, Lyle, McCoy, McKim, McLean, Montgomery, Moore, Murfree, Nelson, Newton, Ormsby, Parker, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ringgold, Roane, Roberts, Robertson, Sage, Sharp, Skinner, Smith of Pennsylvania, Smith of Virginia, Strong, Tannehill, Taylor, Telfair, Troup, Udree, Ward of New Jersey, Whitchill, Wilson of Pennsylvania, Wright, and Yancey.

NAYS—Messrs. Baylies of Massachusetts, Bigelow, Breckenridge, Brigham, Caperton, Champion, Cilley, Cox, Davenport, Davis of Massachusetts, Dewey, Ely, Gaston, Geddes, Grosvenor, Hale, Jackson of Rhode Island, King of Massachusetts, Law, Lovett, Macon, Moffitt, Moseley, Markell, Oakley, Pickering, Pitkin, Post, Potter, John Reed, William Reed, Ruggles, Schureman, Sheffield, Sherwood, Shipherd, Smith of New York, Stanford, Stockton, Stuart, Sturges, Taggart, Tallmadge, Thompson, Vose, Ward of Massachusetts, Webster, Wheaton, White, Wilson of Massachusetts, and Winter.

MONDAY, January 10.

Another member, to wit: from Massachusetts, WILLIAM M. RICHARDSON, appeared and took his seat.

Mr. BOND presented a petition of the Legislature of the Illinois Territory, praying that measures may be adopted for confirming certain species of claims to lands in said Territory.—Referred to the Committee on the Public Lands.

Mr. TROUP, from the Committee on Military Affairs, reported a bill making further provision for filling the ranks of the regular army, encouraging enlistments, and authorizing the re-enlistment, for longer periods, of men whose terms of service are about to expire; which was read twice and committed to a Committee of the Whole.

Mr. TROUP, from the same committee, reported a bill to raise three additional regiments of rifle-men; which was read twice, and committed to a Committee of the whole House.

Mr. TROUP, from the same committee, reported a bill authorizing the President to raise, for five years, or for the war, fourteen of the regiments authorized by the act of the 29th of January, 1813;

JANUARY, 1814.

National Bank—Duties on Licenses.

H. OF R.

which was read twice, and committed to a Committee of the Whole.

Mr. FISK, from the Committee of Elections, made a report on the petition of John Taliaferro, contesting the election of John P. Hungerford, one of the Representatives from the State of Virginia; which was read, and committed to a Committee of the Whole on Thursday next.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, transmitting two statements of the importations in American and foreign vessels for one year, ending on the 30th of September, 1812; which was read, and ordered to lie on the table.

On motion of Mr. GROSVENOR, the House proceeded to consider the resolution submitted by him on the 7th instant; and the same being again read, was agreed to by the House.

Mr. EPPES, from the Committee of Ways and Means, made an unfavorable report on the petition of the President and Directors of a Company for erecting a bridge over the river Susquehanna, at Columbia; which was read, and the resolution therein contained was concurred in by the House.

Mr. EPPES, from the Committee of Ways and Means, also made a report on the petition of Richard Mitchell; which was read, and Mr. E. presented a bill for the relief of Richard Mitchell; which was read and committed to a Committee of the Whole on Wednesday next.

Mr. McKEE, from the Committee on the Public Lands, reported a bill granting to the President and Directors of the Orleans Navigation Company, and their successors, a lot of ground; which was read twice, and committed to a Committee of the Whole to-morrow.

NATIONAL BANK.

Mr. EPPES, from the Committee of Ways and Means, made a report on the petition of sundry inhabitants of the city of New York; which was read, and referred to the Committee of the Whole on the state of the Union.—The report is as follows:

That the power to create corporations within the Territorial limits of the States, without the consent of the States, is neither one of the powers delegated by the Constitution of the United States, or essentially necessary for carrying into effect any delegated power.

The petition is as follows:

To the Senate and House of Representatives of the United States of America in Congress assembled, the petition of the subscribers, in behalf of themselves and their associates, respectfully sheweth:

That they are desirous of establishing a National bank, and of being incorporated, for the purpose of carrying on the business of banking, with a capital of thirty millions of dollars, at such place as the president and directors of the corporation shall appoint, or as shall be designated in the act of incorporation.

Your petitioners are induced to make this application to the General Government, from the sincere belief that the establishment of a National bank will be no less beneficial to the public than to the individuals who may be concerned in it. Among the most obvious and important advantages which the Government

would acquire, by such an establishment, would be the means of borrowing from it money for the public service, not only on better terms, but with much greater facility than can be done from individuals. In order to secure to the Government this benefit, your petitioners propose that the bank shall loan to the Government, whenever required, such sums as they may want, so as they shall not, at any time, exceed one-half of their capital, and that a proper clause be inserted in the act of incorporation to carry this proposal into effect.

The other fiscal concerns of the Government would also derive great aid from a National bank, through which their operations might be conducted with much more economy and advantage than they can be through distinct State banks.

Your petitioners think they may, on this subject, safely appeal to the past experience of the Government, for the inconvenience they have suffered for the want of such an institution. Your petitioners, at the same time, beg leave to suggest the impolicy of having the moneyed transactions of the General Government dependent on State institutions to carry them into effect.

Your petitioners beg leave farther to state, that the whole circulating medium of the United States is now appropriated by the different State banks, who, in lieu thereof, circulate their own paper, to the amount of at least fifty millions of dollars, to the exclusive benefit of their stockholders: whereas, by the establishment of a National bank, on the plan proposed, the People, in every part of the United States, would participate in its benefits, and the Government would receive from it accommodations in various ways, which the State banks have not the means of affording; and, in converting the circulating medium to the use of Government, Congress will find less difficulty, and less inconvenience will be occasioned, than in raising the same amount of money in any other manner.

The establishment of a National bank will also be attended with political effects, which the wisdom of Government will not fail duly to appreciate. Men of wealth and influence, without regard to party distinctions, will, in the different parts of the United States, embark a part of their fortunes in such an institution; and, as its prosperity and security must depend upon the stability of the Union, and its present form of Government, the motives of interest, to such as become stockholders, will be superadded to those of patriotism to contribute to their perpetuity.

Your petitioners forbear to press upon your notice a variety of other considerations, calculated to show the public usefulness of the proposed institution, because they are sensible that they will suggest themselves to the intelligence and discernment of those whom they address.

Your petitioners, therefore, pray for an act of incorporation, authorizing them to establish a National bank, on such terms as may be best suited to the public interest of our country.

NEW YORK, December 18, 1813.

DUTIES ON LICENSES.

Mr. EPPES, from the Committee of Ways and Means, made a report on the resolution instructing them to inquire into the expediency of amending the first section of the act laying duties on licenses to retailers of wines, spirituous liquors, and foreign merchandise; which was read, and committed to a Committee of the Whole on Thursday next. The report is as follows:

"That, in many parts of the United States, where the population is dispersed over an extensive country, and but few retail stores established, the provisions of the law, as it now stands, will subject to inconvenience those who purchase spirit in less quantities than five gallons. For the accommodation of the great mass of the community, however, the privilege to sell in quantities not less than five gallons will be sufficient, and will also enable the small distiller to dispose of the spirit he has been accustomed to sell in his immediate neighborhood, without paying a retail license. The tax on stills must ultimately fall, not on the distiller, but on the consumer. It does not appear, therefore, that the payment of this tax, in the first instance, ought to exempt the distiller from the retail tax, where, from any peculiarity of situation, with a view to profit, he may add the occupation of a retailer to that of distiller. Fearful that the proposed amendment might tend to introduce frauds, and diminish the revenue, and considering it impolitic to recommend any change which may narrow our resources at the present time, the committee consider it more safe to leave the law as it now stands, and to apply in future a remedy, if experience shall pronounce against its provisions. They, therefore, submit the following resolution:

"Resolved, That it is inexpedient, at the present time, to authorize the sale, without license, of spirits, in less quantities than five gallons, at the place where the same shall have been distilled."

TREASURY DEPARTMENT, Dec. 28, 1813.

SIR: I have had the honor to receive your letter of the 20th inst., on the subject of a proposed amendment to the law laying duties on licenses to retailers, the object of which is to prevent domestic spirits to be sold in less quantities than five gallons, by persons holding licenses for distilling spirits of that description; and inquiring whether any information, derived from the operation of the former revenue laws, can be afforded from the Treasury, which will enable the Committee of Ways and Means to decide upon the probable effect of such an amendment.

Under the former revenue laws, no license was necessary for the selling of domestic spirits; and no information, therefore, can be derived from that source. But, without resorting to experience upon the subject, it is obvious that the proposed amendment would be attended with most injurious effects upon the revenue. The sum now payable for a license for retailing domestic spirits alone, is fifteen dollars in towns, and ten dollars in the country. A license for the employment of a still of fifty gallons for two weeks, may be obtained for four dollars and fifty cents; and if the license be taken for distilling roots only, for one half that sum, or two dollars and twenty-five cents. Every person, therefore, desirous of retailing domestic spirits, instead of taking a license for that purpose, would be induced to take a license for distilling, if that license will cost but one-half, or one-fourth of the sum payable for the other, and will carry with it the privilege of selling the spirits by retail. It is doubted whether the provision, at present contained in the law, by which persons having a license for distilling are authorized to sell domestic spirits in quantities not less than five gallons, will not be found liable to abuse. To extend it further, would be to render this abuse certain; and would, moreover, be likely to convert every distillery into a retail store or tavern.

I have the honor to be, &c.,

W. JONES,

STATE OF THE FINANCES.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, transmitting the annual report of the state of the Finances of the United States, made in pursuance of the act to establish the Treasury Department; which was read, and referred to the Committee of Ways and Means.—The report is as follows:

In obedience to the directions of the act supplementary to the act, entitled "An act to establish the Treasury Department," the Acting Secretary of the Treasury respectfully submits the following report and estimates:

The monies actually received into the Treasury, during the year ending on the 30th September, 1813, have amounted to \$37,544,954 93, viz:

Proceeds of the customs, sales of lands, small branches of revenue, and repayments - - \$13,568,042 43

Proceeds of loans, viz:

Loan of eleven millions, under the act of March 14th, 1812, \$4,337,487 50

Loan of sixteen millions, under the act of February 8, 1813, 14,488,125 00

Treasury notes, under the acts of June 30, 1812, and February 25, 1813 - - 5,151,300 00

23,976,912 50

Amount, as will appear by the annexed statement E, \$37,544,954 93.

Making, together with balance in the Treasury on the 1st of October, 1812, which was - - - - 2,362,652 69

An aggregate of - - - \$39,907,607 62

The payments from the Treasury, during the same period, have amounted to \$32,928,855 19, viz:

For civil, diplomatic, and miscellaneous expenses, both foreign and domestic - - \$1,705,916 35

Military Department, including militia and volunteers, and the Indian Department - - - 18,484,750 49

Navy, including the building of new ships, and the Marine Corps - - 6,420,707 20

Public debt:

On account of interest, \$3,120,379 08

Principal reimbursed - 3,197,102 07

6,317,481 15

Amount, as will also appear by the annexed statement E, \$32,928,855 19.

And left in the Treasury, on the 30th of September last - - - 6,978,752 43

\$39,907,607 62

The accounts for the fourth quarter of the year 1813 have not yet been made up at the Treasury, but the receipts and expenditures, during that quarter, have been nearly as follows:

Receipts from the customs, sales of lands, and small branches of the revenue, about - \$3,300,000 00

Loan of sixteen millions - - 1,500,000 00

Loan of seven and a half millions - - 3,850,000 00

Treasury notes - - - 3,680,000 00

\$12,330,000 00

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| | |
|-----------------------------------------------------------------------------------------|------------------------|
| Making, with the balance in the Treasury on the 1st of October, 1813, of | 6,978,752 43 |
| An aggregate of about | \$19,309,000 00 |
| The disbursements have been, for civil, diplomatic, and miscellaneous expenses, about | \$400,000 00 |
| Military Department | 5,887,747 00 |
| Naval Department | 1,248,145 10 |
| Public debt, of which near \$6,000,000 was on account of the reimbursement of principal | 7,087,994 95 |
| And leaving in the Treasury, on the 31st December, 1813, about | 4,685,112 95 |
| | <u>\$19,309,000 00</u> |

Of the sums obtained on loan, during the year 1813, and included in the receipts above stated, an account of the terms on which they were made has been laid before Congress, excepting as to the Treasury notes issued under the act of February 25, 1813, and the loan of seven and a half millions, obtained under the authority contained in the act of the 2d of August, 1813. The annexed statement, marked F, will show the whole amount received for Treasury notes, during the year 1813, and at what places they were sold or disposed of. Three millions eight hundred and sixty-five thousand one hundred dollars, of the notes issued under the act of June 30th, 1812, became due in the course of the year 1813, or in the present month of January, and have been paid off, or the funds placed in the hands of the Commissioners of Loans for that purpose.

The papers under the letter G will show the measures taken, under the act of August 2d, 1813, authorizing a loan of seven millions five hundred thousand dollars, and the manner in which that loan was obtained. The terms were eighty-eight dollars and twenty-five cents in money for one hundred dollars in stock, bearing an interest of six per cent., which is equivalent to a premium of thirteen dollars thirty-one cents and four-ninths of a cent on each hundred dollars, in money, loaned to the United States. Of this sum of \$7,500,000, about \$3,850,000 were paid into the Treasury during the year 1813, and the remainder is payable in the months of January and February 1814.

For the year 1814, the expenditures, as now authorized by law, are estimated as follows:

| | |
|------------------------------------------------------------------------------------------------------------|-------------------|
| 1. Civil, diplomatic, and miscellaneous expenses | \$1,700,000 |
| 2. Public debt, viz: | |
| Interest on the debt existing previous to the war | \$2,100,000 |
| Interest on debt contracted since the war, including Treasury notes, and loan for the year 1814 | 2,950,000 |
| | <u>5,050,000</u> |
| Reimbursement of principal, including the old six and deferred stocks, temporary loans, and Treasury notes | 7,150,000 |
| | <u>12,200,000</u> |

3. Military Establishment, estimated by the Secretary of War, for a full complement, (including rangers, sea fen-

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| cibles, and troops of all descriptions,) of 63,422 officers and men, and including ordnance, fortifications, and the Indian Department, and the permanent appropriations for Indian treaties, and for arming and equipping the militia | 24,550,000 |
| 4. Navy, estimated for 15,787 officers, seamen, and boys, and for 1,869 marines, and including the service of two 74-ships for four months, and three additional frigates for six months of the year 1814, and the expenses of flotillas on the coast and on the lakes | 6,900,000 |
| Amounting, altogether, to | <u>\$45,350,000</u> |

The ways and means already provided by law are as follows:

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| 1. Customs, and sales of public lands. The net revenue accruing from the customs, during the year 1812, amounted, as will appear by the annexed statements A and B, to \$13,142,000. Of this sum, about \$4,300,000 was produced by the additional duties imposed by the act of July 1, 1812. The duties which have accrued during the year 1813, are estimated at \$7,000,000. The custom-house bonds outstanding on the 1st January, 1814, after making a due allowance for insolvencies and bad debts, are estimated at \$5,500,000; and it is believed that \$6,000,000 may be estimated for the receipt of the customs during the year 1814. The sales of public lands, during the year ending September 30, 1813, have amounted to 256,345 acres, and the payments by purchasers to \$706,000, as will appear by the annexed statement C. It is estimated that \$600,000 will be received into the Treasury from this source, during the year 1814. The sum, therefore, estimated as receivable from customs and lands, is | \$6,600,000 |
| 2. Internal revenues and direct tax. From the credits allowed by law on some of the internal duties, and from the delays incident to the assessment and collection of the direct tax, it is not believed that more ought to be expected to come into the Treasury, during the year 1814, than the sum of | 3,500,000 |
| 3. Balance of the loan of seven and a half millions, already contracted for | 3,650,000 |
| 4. Balance of Treasury notes, already authorized | 1,070,000 |
| 5. Of the balance of cash in the Treasury, on the 31st December, 1813, amounting, as above stated, to about | \$4,680,000 |
| There will be required, to satisfy appropriations made prior to that day, and then undrawn, at least | 3,500,000 |
| And leaving, applicable to the service of the year 1814 | <u>1,180,000</u> |
| | <u>16,000,000</u> |
| So that there remains to be provided, by loans, the sum of | 29,350,000 |
| | <u>\$45,350,000</u> |

Although the interest paid upon Treasury notes is considerably less than that paid for the moneys ob-

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State of the Finances.

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tained by the United States on funded stock, yet the certainty of their reimbursement at the end of one year, and the facilities they afford for remittances, and other commercial operations, have obtained for them a currency which leaves little reason to doubt that they may be extended considerably beyond the sum of five millions of dollars, hitherto authorized to be annually issued. It will perhaps be eligible to leave to the Executive, as was done last year, a discretion as to the amount to be borrowed upon stock, or upon Treasury notes, that one or the other may be resorted to, within prescribed limits, as shall be found most advantageous to the United States.

The amount estimated to have been reimbursed, of the principal of the public debt, during the year ending on the 30th September last, including Treasury notes and temporary loans, will appear, by the estimate marked D, to have been \$3,201,368. As the payments on account of the loan of sixteen millions had not then been completed, and the stock had, consequently, not been issued therefor, it is not practicable to state, with precision, the amount added to the public debt during that year; but, after deducting the above mentioned reimbursement of \$3,200,000, this addition will not fall short of \$22,500,000.

The plan of finance proposed at the commencement of the war, was to make the revenue, during each year of its continuance, equal to the expenses of the Peace Establishment; and of the interest on the old debt then existing, and on the loans which the war might render necessary, and to defray the extraordinary expenses of the war out of the proceeds of loans to be obtained for that purpose.

The expenses of the Peace Establishment, as it existed previous to the armaments of 1812, made in contemplation of war, but including the eight regiments added to the Military Establishment in the year 1808, and the augmentation of the Navy in actual service, authorized in 1809, amounted, after deducting some casual expenses of militia, and other incidental items, to about - - - \$7,000,000

The interest on the public debt, payable during the year 1814, will be:

On the old debt, or that existing prior to the present war - - - \$2,100,000

On the debt contracted since the commencement of the war, including Treasury notes, allowing \$560,000 for interest on the loan which must be made during the year 1814, a sum as small as can be estimated for this object - 2,950,000

5,050,000

Making - - - - - \$12,050,000

The actual receipts into the Treasury from the revenue, as now established, including the internal revenues and direct tax, are not estimated, for the year 1814, at more than \$10,100,000, viz:

From customs and public lands - - - \$6,600,000

Internal revenues and direct tax - - - 3,500,000

If to this sum be added that part of the balance in the Treasury on the 31st December, 1813, which has been estimated above, to be applicable to the expenses of the year 1814, and which, upon the principles above stated, may

be considered as a surplus of revenue beyond the expenses of the Peace Establishment, and of the interest on the public debt for the year 1813, and therefore applicable to the same expenses for the year 1814, which sum is estimated at - - - - - 1,180,000

And making, together - - - - - 11,280,000

There will still remain to be provided new revenues, capable of producing - 770,000

\$12,050,000

But, as the internal revenues and direct tax, when in full operation, will produce, in the year 1815, probably \$1,200,000 more than is estimated to be received from them in the year 1814, it will rest with Congress to decide, whether it is necessary that new and additional revenues should now be established.

To what extent the existing embargo may reduce the receipts into the Treasury from the customs, during the year 1815, it is difficult to estimate, as the operation of the war had reduced the receipts from the customs nearly one half from that which was received during the year preceding the war.

The former embargo reduced the revenue from the customs nearly one-half the amount of that which was received during the year preceding its full operation. In this case, however, the transition was from the full receipt of a peace revenue to the entire suspension of exportation and of foreign commerce in American bottoms. It is not, therefore, to be presumed, that the existing embargo will cause a reduction of the war revenue in the proportion of the peace revenue: moreover, the effect of the act prohibiting the importation of certain articles, necessarily increases the demand, and enhances the value of those which may be lawfully imported; and the high price they bear will produce extraordinary importations, and, in part, compensate for the prohibition to export anything in return; to this may be added the duty on salt, the operation of which is yet but partial.

To the amount of the defalcation of the revenue, caused by the embargo, whatever it may be, must be added the difference between the amount of the interest payable in the year 1814, on the loan of that year, and the whole amount of the interest on the said loan, payable in the year 1815, as well as that part of the interest which may be payable in the year 1815, on the loan of that year. The sum of these items will be required for the year 1815, in addition to the revenues now established, except 430,000 dollars, being the difference between the estimated increase in the receipt of the internal revenues and direct taxes, and the 770,000 dollars remaining to be provided for in the foregoing estimate.

With these considerations, it is submitted whether it may not be expedient and prudent to provide new revenues, capable of producing either the whole, or such part of the 770,000 dollars, unprovided for, as may appear necessary to fulfil the public engagements, and secure to the financial operations of the Government the confidence, stability, and success, which is due to its fidelity, and to the ample resources of the country.

All which is respectfully submitted.

W. JONES,

Acting Secretary of the Treasury.

TREASURY DEPARTMENT, Jan. 8, 1814.

JANUARY, 1814.

Punishment of Treason.

H. OF R.

PUNISHMENT OF TREASON.

Mr. WRIGHT, after some observations, moved the following resolution:

Resolved, That a Committee of the whole House be instructed to inquire into the expediency of extending the 2d section of the act for the establishment of rules and articles for the government of the armies of the United States, relative to spies, to the citizens of the United States."

Mr. STOCKTON hoped that the House would not sanction the resolution so far as to deliberate upon it. The principle contained in it, said Mr. S., is so monstrous that I do hope no reference will be made of it. The amount of it is simply this, whether the citizens of the United States, who are entitled to all the benefits and privileges of the Constitution, are to be placed under the jurisdiction of a court martial, and subject to military law. This appears to me a monstrous principle without the least necessity for its exercise. Whence, sir, is the necessity of subjecting our citizens to martial law? If any citizen is found aiding and assisting the enemy, in the language of the Constitution adhering to the enemy, giving them aid and comfort, he is guilty of treason, and can be tried for the same in our courts of justice, where he will be entitled to the inestimable privilege of a trial by a jury of his country. This resolution strikes at the fundamental principles of liberty. It strikes at that great bulwark of the citizen, the trial by jury, and I do hope that this House will not even so far sanction such a resolution as to deliberate upon it. I do not come here, sir, to defend spies, and I hope I shall not be charged with being the defender of any violators of the laws of my country. I am the defender of the rights and liberties of the people of these United States, and by the help of God I will defend them while I have a seat on this floor. This resolution goes to subvert every principle of civil liberty, to place the citizens under the ban of martial law, to prostrate courts of justice and the trial by jury, which is guaranteed by the Constitution, and I hope the House will not so far sanction it as to refer it to any committee.

Mr. YANCEY moved that the resolution lie on the table.—Lost.

Mr. TROUP observed that he thought the present subject as worthy of being referred to the Committee on Military Affairs as some others which had been referred. He had understood that there were a number of cases which occurred in which citizens of the United States had given information to the enemy. He mentioned a case where he understood the only good spring used by the American army had been poisoned twice, no doubt by some person who had been lurking about the camp. Among other cases which he enumerated, he stated that he understood that while General Wilkinson was descending the St. Lawrence with his army, Judge Ford, who resided somewhere there, hoisted a light in his upper story which gave the British information, and that Wilkinson's army was soon fired on. He had no knowledge of the fact, he had seen it

in newspapers, or had heard it; he had understood that Judge Ford was a very violent partisan, but in other respects a man of good character.

Mr. MACON said that this question appeared to him one that could be better settled by referring the subject to a Committee of the whole House, than by a reference to any other committee, because, let the latter make any report, it must finally be settled in a Committee of the Whole. If it is now refused to a Committee of the Whole, the question will be settled at once. The question to be decided was, whether a civil or military law should prevail. This was the real question, and it could be better settled by a reference to a Committee of the whole House, than by a reference to the Committee on Military Affairs; he would, therefore, suggest to the mover the propriety of so modifying it.

Mr. WRIGHT agreed to modify the resolution, so as to instruct the Committee of the whole House to inquire into the subject.

Mr. STOCKTON said he was more opposed to a reference of the resolution to a Committee of the Whole, than he was to a reference to the Committee on Military Affairs, because, if they referred it to a Committee of the whole House, it would be an acknowledgment that the resolution was worthy to be debated. It has, said Mr. S., been well observed by the honorable gentleman from North Carolina, (Mr. MACON,) that there is but one question to decide on in this resolution, that is, whether civil or military law is to be the law of the land. Upon such a question I hope, that, as the representatives of freemen, we shall decide without hesitation, that we will not debate or deliberate on the subject. I again repeat, there is no necessity for this resolution. The Constitution of the United States—that ark of our safety—has defined treason, and whoever is guilty can be tried by a jury, and be punished according to the laws of the land. Every case mentioned by the gentleman from Georgia (Mr. TROUP) amounts to treason if the facts be as stated, because they came within the provision of the Constitution, which declares treason to consist in adhering to our enemies, giving them aid and comfort. The law of treason in this country has been settled by various decisions, and there is no doubt that giving intelligence to the enemy is treason. If any of the circumstances mentioned by the gentleman from Georgia are correct, why have not the persons been tried for their offences? There is then no necessity to deliberate on this resolution, and I hope it will not be referred. I am glad the gentleman from Georgia, (Mr. TROUP,) when he mentioned the circumstance concerning Judge Ford, explained, by saying he had no knowledge of the circumstance which he stated. I have known Judge Ford for a number of years. He formerly lived in New Jersey, and is a man of the highest honor and integrity. It is true he is decidedly opposed to the present war, and speaks his opinion freely concerning it. "This is the head and front of his offending." But, sir, if this be a crime, there are many, very many, in

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the United States who are equally guilty, and I believe that, if the war continues, there soon will be many more opposed to it than now are. I do not believe that Judge Ford hoisted a light for the purpose of giving information to the enemy. I have no hesitation in declaring, upon my responsibility, that I believe the charge to be an infamous slander.

Mr. FISK, of Vermont, said that he was of opinion there ought to be some alteration of the law, as he believed some offences were committed which could not be punished by our existing laws. He would ask the gentleman from New Jersey (Mr. STOCKTON) whether a man who was found in Canada, while our army was there, lurking about our camp, or giving intelligence to the enemy, if he could be tried for treason? He believed not, as the act would be done out of the United States. He thought there ought to be a remedy for such cases. He should, however, vote against the present resolution, as it was too limited, being confined to an inquiry concerning amending the rules and articles of war.

Mr. GROSVENOR did suppose that Congress never would seriously take into consideration any subject, the passage of which would be a violation of the Constitution. If, said Mr. G., we advert to the Constitution, we there find treason defined to consist in levying war against the United States, or in adhering to their enemies, giving them aid and comfort; and, by an amendment to the Constitution, it is declared that no person shall be held to answer for a capital or other infamous crime, except by a presentment by a grand jury, except the military or militia in the actual service of the United States. If Congress can provide for the punishment of the cases mentioned by military law, they can do so by the civil law. And, sir, without the least necessity, will we put our citizens under martial law? Shall we expose our citizens to military punishment, and deprive them of the right of the trial by jury. But will gentlemen reflect that this resolution is in direct opposition to the Constitution. What, sir, are we told by the mover? That the Constitution requires in the case of treason two witnesses to the overt act, in order to convict the accused, but that a spy might be tried by martial law and convicted on the testimony of one witness. What, sir, is this but evading the provisions of the Constitution? Treason is defined by the Constitution to be adhering to our enemies, giving them aid and comfort, and two witnesses are required. But call it by another name, although the crime is treason, and try the accused by martial law, and but one witness is required. What is this, sir, but a violation of the letter and spirit of the Constitution? Again, sir, no citizen can be tried by martial law except those belonging to the military or militia in actual service, every other citizen is entitled by the Constitution to the inestimable privilege of a trial by a jury. Congress possesses no power to pass a law in conformity to the resolution, and I wish gentlemen, if they can, to explain the provisions of the Constitution, which

I have read, and show where exists the power. If they have no power, why refer the subject to a committee, or why deliberate on it? There can be no doubt but that a spy found in our camps is guilty of treason, for he is thereby adhering to the enemy, and you cannot by calling the offence by any other name, prevent him from having the benefit of a jury trial, or convict him on the testimony of one witness.

Sir, if gentlemen will look at our Declaration of Independence, they will find that one of the complaints urged there was, that the inhabitants were dragged before military tribunals. This was one of the reasons which caused a separation from the mother country, and we are now called upon to deliberate on a resolution which goes to subject every man in the United States to be dragged before the military tribunals and tried by martial law. With the gentleman from New Jersey, I do not believe the report concerning Judge Ford. I have known him for a long time. He is the first judge of the country in which he resides, and is esteemed as a man of the highest integrity. I believe he would be as far from giving intelligence to the enemy as the President, or any man in the United States. True, he has talked much and written against the present war; in doing this, he exercised a Constitutional privilege, and if he has violated the laws, let him be constitutionally tried and punished. Sir, he never will be tried; nothing but these idle rumors will ever be against him. If any persons have given intelligence to the enemy, I would join in punishing them constitutionally, but I entreat gentlemen not to travel out of the broad and safe road of liberty into the narrow winding paths of military tyranny.

Mr. TROUP said, that in answer to the gentleman from New York, who asked the reason why those persons, who were spies, could not be tried by the civil authority as well as the military, he would observe, that often, when a person was found in a camp or the vicinity, engaged in his treasonous projects, and was apprehended, he applied to a judge for the writ of *habeas corpus*, and was, by that writ, rescued from the hands of the military and carried before the judge, who, not having proof, discharged him, and he again returned to his infamous business. The reason why martial law was established at all, was because cases might happen which would require speedy justice.

Mr. MACON said that he was in favor of the reference, because he thought it an important question, and was willing to have it discussed. He was at present against the resolution, but he thought it a matter of courtesy to give gentlemen an opportunity when they wished to discuss any question. He was for granting that indulgence to others which he should wish granted to himself. The gentleman from New York had spoken of this resolution as a violation of the Constitution, but it would be recollected, that it was not the reference which violates the Constitution, but the passage of the law; and even if an unconstitutional law were passed, we had judges who

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no doubt would declare it null and void. The judges had once declared a law unconstitutional and void, and he trusted they would do so again whenever unconstitutional laws were passed.

Mr. WEBSTER said, that if the proposition were to consider whether it was necessary to provide additional legal punishments for any description of offences, he should see no objection to the reference of the subject to a committee. If illegal intercourse existed with the enemy, he should go as far as any one in applying Constitutional remedies to that evil. But this resolution proposes, in effect, to consider whether it is not expedient to try accusations for treason before military instead of civil tribunals. However glaring may be the idea, yet such is in truth the real nature of the proposition. It is to change the forum for the trial of treason. The mover of the resolution, and the gentleman from the State of Georgia, (Mr. TROUP,) have not left any doubt on this subject. They have alluded to cases which they suppose the resolutions to embrace, and for which they deem it necessary to provide military punishment. But what is the nature of those cases? Are they not cases of treason? It is said information has been communicated to the enemy, very material to him, respecting the operations of our own forces, by citizens of the United States. Signals are said to have been made for this purpose on the St. Lawrence and elsewhere. Do gentlemen suppose that the act of communicating to the enemy important intelligence, whether by signals or otherwise, whereby he is the better able to defend himself, or attack his adversary, is not treason? Is not this giving to the enemy aid and comfort? May it not be in many cases the most important service which can be rendered him? Certainly, sir, all such offences as gentlemen have mentioned are provided for by law, and adequate penalties annexed to the commission. The simple question before us is, whether we will consider the propriety of taking the power of trying for these offences from the courts of law, where the Constitution has placed it, and confer it on the military. Sir, the proposition strikes me as monstrous. I cannot consent to entertain the consideration of it even for a moment. It goes to destroy the plainest Constitutional provisions. If it should prevail, I should not hesitate to pronounce it a most enormous stride of usurpation. Nothing, in any Government called a free one, even in the worst of times, has exceeded it. I am utterly shocked at the arguments offered in favor of it. When the mover was asked why, in the cases he mentioned, the offenders could not be punished for treasonable practices, I understood him to answer, that on trials for treason in the courts of law, the testimony of two witnesses is required; but if the trial could be transferred to a military tribunal, the two witnesses could be dispensed with. Are we now gravely to consider upon a proposition, of which this is among the professed objects? The gentleman from Georgia (Mr. TROUP) observed, that when persons had been apprehended for offences, they had been rescued by *habeas*

corpus, issued by the civil magistrate. And are we to deliberate whether it be not proper for us to prevent the delivery of the citizens of this country from illegal arrests and imprisonment by the interposition of their great Constitutional remedy, their writ of *habeas corpus*? The Constitution contains no provision more valuable; it makes no injunction more direct and imperative than those respecting trials for treason, and the benefit of the *habeas corpus*. Treason is not left to be defined, even by the highest courts of law. It was foreseen that, in times of commotion, victims might be sacrificed to constructive treason; that doctrine which, in other places and other times, has shed so much innocent blood, and which brought Algernon Sydney to the scaffold. The Constitution, therefore, defines treason, and prescribes the mode of proof. But what is there in the worst cases of construction of treason that can be compared, in point of enormity, to the proposition now before us? This is not to give a latitude of construction to the judge; it is to take the cause away from the judge, and carry it to the camp. Instead of indictment, arraignment, and trial, it proposes the summary process of martial law. If the proposition should pass into a law, it takes away the Constitutional definition of the offence; it takes away the prescribed mode of proof; it takes away the trial by jury; it takes away the civil tribunal, and establishes the military. On a resolution of this sort, I cannot believe the House will consent to deliberate.

Mr. HANSON said he should not attempt to add anything by way of argument to what had fallen from his honorable friends from New York, New Jersey, and New Hampshire, (Messrs. GROSVENOR, STOCKTON, and WEBSTER,) but he could not remain wholly silent when such a subject was under discussion. He said, the object of the gentleman over the way, was as obvious and apparent, as if it were written on the Speaker's forehead, in the largest characters. The war being pretty well over with England, and their fury against the enemy almost spent, a war was now to be commenced against our own citizens, against a party in this country. He had noticed, and perfectly understood the preparations in the course of the day in getting up the new apparatus and machinery of war, as preparatory to its final termination. He considered all this bustle, taken together with the resolution submitted, as the last dying convulsive struggle of the war party.

The object of the resolution obtained, the fundamental principles of the Constitution would be sapped; that sacred instrument was violated and destroyed; the charter of our freedom was torn in tatters and given to the winds.

Mr. H. said, the majority had already proceeded further in their liberticidal projects than could have been imagined possible a few years ago. But the other day, at a single incubation, a hideous brood of spies and informers had been brought forth—a swarm of petty tyrants, Executive minions and creatures, had been spread through the country. Gentlemen were not satis-

fied with what they had done, but seemed resolved to take another stride which would carry them completely beyond all Constitutional limits. The barriers of liberty were to be effectually broken down, the civil authorities crushed, and martial law proclaimed through the land, while the minions of power were raised above the Constitution and laws.

Mr. H. said, the axe was laid to the root of the tree of liberty; the tree of tyranny might be planted—its fibres might shoot, and for a time hug the soil, but, before they took deep root, it would be levelled by the blasts of liberty, while the old trunk, still retaining the vital power, would shoot forth new and vigorous branches to shelter our liberties. His feelings would not permit him to enter into an argument against the monstrous proposition before the House. The pretext for it was, that offences had been alleged to be committed by certain disaffected individuals who had been brought before the courts of justice, where they were acquitted and discharged. Why? Because they were not guilty—they had committed no crime—they were innocent. The sacrificer deprived of his victims, such inconvenient obstacles to the work of blood as courts of justice were to be removed, and military tribunals erected in their place, to insure despatch in executing "summary justice." Martial law might be proclaimed, but it would and should be abolished and put down by the redeeming spirit in the people. The times were alarming, and required additional safeguards for freedom and checks on power, instead of diminishing those already provided.

Mr. GASTON merely rose to answer a remark which had been made by a gentleman from Vermont, (Mr. FISK,) and which had not been answered. The gentleman supposed the case of treason being committed out of the jurisdiction of the United States, and he asks, where is the law to punish the offender? Sir, said Mr. G., the Constitution has given to Congress the power to pass laws for the punishment of treason, committed either in the United States or elsewhere, and the only question is, has Congress made the provision? By adverting to the first volume of the Laws of the United States, it will be found that one of the first acts Congress did, was to pass a law punishing treason. In this law, treason committed against the United States, not within either of the States, is punishable with death, and the place is designated where the offenders shall be tried. Sir, I am as much disposed as my honorable colleague (Mr. MACON) to extend acts of courtesy to members of this House, but I can never consent to refer to any committee, whether we shall punish an offence in a different manner from that which the Constitution prescribes.

The question was then taken by yeas and nays, and determined in the affirmative—yeas 86, nays 77, as follows:

YEAS—Messrs. Alexander, Alston, Anderson, Archer, Avery, Bard, Barnett, Bayly of Virginia, Beall, Bowen, Bradley, Brown, Burwell, Butler, Caldwell,

Calhoun, Chappell, Clopton, Comstock, Conard, Crawford, Creighton, Crouch, Davis of Penn., Dawson, Denoyelles, Desha, Earle, Evans, Findley, Fisk of New York, Forney, Forsyth, Franklin, Gholson, Glasgow, Gourdin, Griffin, Hall, Harris, Hawes, Humphreys, Ingersoll, Ingham, Irwin, Jackson of Virginia, Johnson of Virginia, Kennedy, Kerr, Kershaw, Kilbourn, Lowndes, Lyle, Macon, McCoy, McKim, McLean, Moore, Murfree, Nelson, Newton, Parker, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ringgold, Roane, Roberts, Sage, Sevier, Sharp, Skinner, Smith of Pennsylvania, Smith of Virginia, Strong, Tannhill, Telfair, Troup, Udree, Ward of New Jersey, Whitehill, Wilson of Pennsylvania, and Wright.

NAYS—Messrs. Baylies of Massachusetts, Bigelow, Boyd, Bradbury, Breckenridge, Brigham, Caperton, Champion, Cheves, Cilley, Clark, Cox, Culpeper, Davenport, Davis of Massachusetts, Dewey, Duvall, Ely, Eppes, Farrow, Fisk of Vermont, Gaston, Geddes, Grosvenor, Hale, Hanson, Hasbrouck, Hufty, Hungerford, Kent of New York, Kent of Maryland, King of Massachusetts, King of North Carolina, Law, Lewis, Lovett, Markell, Miller, Moffit, Montgomery, Moseley, Oakley, Ormsby, Pearson, Pickering, Pitkin, Post, Potter, John Reed, William Reed, Richardson, Ridgely, Robertson, Ruggles, Schureman, Seybert, Sheffield, Sherwood, Shipherd, Smith of New York, Stanford, Stockton, Stuart, Sturges, Taggart, Tallmadge, Taylor, Thompson, Vose, Ward of Massachusetts, Webster, Wheaton, Wilcox, Wilson of Massachusetts, Winter, Wood, and Yancey.

On motion of Mr. WRIGHT, the resolution was made the order of the day for Friday next.

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Mr. HANSON withdrew his resolutions submitted by him on the 28th ultimo, and submitted the following in lieu thereof:

1. *Resolved*, That the President of the United States be, and he is hereby, requested to communicate to this House any information in his possession, and which it may not be improper to divulge, in relation to the omission or refusal of the French Government to accredit the Minister Plenipotentiary sent by the United States to that Court, or of his reception, if accredited; of the time when he was so accredited, and of the progress of his negotiation.

2. *Resolved*, That a committee be appointed to inquire whether Mr. Turreau, late Minister of France, did or did not, on or about the 14th of June, 1809, write a letter to the Secretary of State, setting forth the terms and conditions upon which his Government would treat of amity and commerce with the United States, and urging certain complaints against this Government, and requiring certain political sacrifices to be made as an indispensable pre-requisite to the formation of such a treaty, and whether the said letter was not withdrawn from the archives of the Department of State, and how and when it was so withdrawn; and that the said committee have power to send for persons and papers.

And, on the question that the House do now proceed to consider the said resolutions, it passed in the affirmative—yeas 90, nays 69, as follows:

YEAS—Messrs. Archer, Baylies of Massachusetts, Bayly of Virginia, Bigelow, Boyd, Bradbury, Breckenridge, Brigham, Burwell, Caperton, Calhoun, Cham-

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pion, Chappell, Cheves, Cilley, Clark, Cox, Creighton, Culpeper, Davenport, Davis of Massachusetts, Dewey, Duvall, Ely, Eppes, Forsyth, Franklin, Gaston, Geddes, Grosvenor, Hale, Hanson, Hufty, Humphreys, Hungerford, Ingersoll, Jackson of Rhode Island, Johnson of Virginia, Kennedy, Kent of New York, Kent of Maryland, Kerr, King of Massachusetts, Law, Lewis, Lovett, Lowndes, Lyle, Macon, Markell, McLean, Miller, Moffitt, Moseley, Murfree, Nelson, Oakley, Pearson, Pickering, Pitkin, Pleasants, Post, Potter, John Reed, William Reed, Ridgely, Robertson, Ruggles, Schureman, Seybert, Sharp, Sheffield, Sherwood, Shipherd, Smith of New York, Stanford, Stockton, Stuart, Taggart, Tallmadge, Thompson, Troup, Vose, Ward of Massachusetts, Webster, Wheaton, Wilcox, Wilson of Massachusetts, and Winter.

NAYS—Messrs. Alexander, Akston, Anderson, Avery, Bard, Barnett, Beall, Bowen, Brown, Butler, Caldwell, Clopton, Comstock, Conard, Crouch, Davis of Pennsylvania, Denoyelles, Earle, Evans, Farrow, Findley, Fisk of Vermont, Fisk of New York, Forney, Gholson, Glasgow, Gordin, Griffin, Hall, Harris, Hasbrouck, Hawes, Hubbard, Ingham, Irwin, Kershaw, Kilbourn, King of North Carolina, Leferts, McCoy, McKim, Moore, Newton, Ormsby, Parker, Pickens, Piper, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ringgold, Roane, Roberts, Sage, Sevier, Skinner, Smith of Pennsylvania, Smith of Virginia, Strong, Tannehill, Taylor, Telfair, Udree, Ward of New Jersey, Whitehill, Wilson of Pennsylvania, Wright, and Yancey.

Before deciding further on the same, the House adjourned.

TUESDAY, January 11.

Mr. HUMPHREYS presented a petition of sundry inhabitants of the State of Tennessee, praying that certain lands in that State may be set apart to satisfy warrants already issued under the authority of the United States, and that lands which have been located, prior to the year 1790, may be resurveyed.—Referred to the Committee on the Public Lands.

Mr. LOWNDES, from the Committee on Naval Affairs, reported a bill further to amend the act regulating pensions to persons on board of private armed ships; which was read twice, and committed to a Committee of the Whole.

Mr. INGERSOLL of Pennsylvania, from the committee appointed to inquire into that subject, reported a bill "providing for the appointment of Postmasters."—[That, after the first day of May next, no person shall act as Postmaster in any of the principal offices of the United States, who shall not have been nominated by the President, and received the approbation of the Senate.] The bill was twice read and committed.

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The House resumed the consideration of the two resolutions yesterday submitted by Mr. HANSON. A division of the question having been required, the question was first stated on the following resolution:

Resolved, That the President of the United States be, and he is hereby, requested to communicate to this House any information in his possession, and which it

may not be improper to divulge, in relation to the omission or refusal of the French Government to accredit the Minister Plenipotentiary sent by the United States to that Court, or of his reception, if accredited, at the time when he was so accredited, and of the progress of his negotiation.

Mr. CALHOUN, of South Carolina, said that his object in yesterday calling for a division of the question, was to separate this from that which was connected with it. To this resolution he could see no objection; it was drawn up in respectful language and in the usual form. It asked for information in a proper manner, and he hoped the House would not refuse it.

The question was taken on this resolution, and decided in the affirmative, without a division.

The question was then stated on the second resolution in the following words:

Resolved, That a committee be appointed to inquire whether M. Turreau, late Minister of France, did or did not, on or about the 14th of June, 1807, write a letter to the Secretary of State, setting forth the terms and conditions upon which his Government would treat of amity and commerce with the United States, and urging certain complaints against this Government, and requiring certain political sacrifices to be made as an indispensable pre-requisite to the formation of such a treaty, and whether the said letter was not withdrawn from the archives of the Department of State, and how and when it was so withdrawn; and that the said committee have power to send for persons and papers.

Mr. CALHOUN said it was a good rule generally in cases of this kind that inquiry be granted, where it is moved in a proper manner. On such motions a very great liberality had usually prevailed in this House, which had been displayed in the vote just taken. But as to the particular resolution before us, it is of that class which ought not to be passed in the present stage of its existence. To induce the House to pass this resolution, there ought to be three things stated. He need not suggest that this inquiry was of an unprecedented character, and varying from all usual calls on the Executive for information. To warrant the adoption, a specific object ought to be first stated: secondly, what was expected to grow out of it; and thirdly, that the object was of a character to warrant the investigation. Such inquiries as that now proposed, without these three prerequisites, would, he conceived, violate the spirit of the Constitution. By that instrument, diplomacy was confided wholly to the Executive. This House had indeed the power to require information, but it was through the Executive department that it ought to be sought for, and not through inquisitorial committees of this House, or on such vague statements as had been made. The unofficial mode of inquiry now proposed was a departure from the legitimate province of this body, to which he hoped the House would not accede.

Mr. HANSON, of Maryland, said he had flattered himself, when he had the honor to make a statement a few days ago on this subject to the House, that his object would be distinctly understood. As to the proceeding which this House

in its wisdom might think proper to ground on this resolution, it was not for him to dictate. Certain it was, that if any high and responsible officer had done any act for which he was amenable to the Constitutional authority, it was the duty of this House to lay the foundation to an inquiry. The statement which he had made, was of itself, he conceived, sufficient foundation for the House to proceed upon. He entertained no wish on his part to examine the Department of State, as the gentleman appeared to suppose, or any officer of the Government, in relation to the object of the inquiry; on the contrary he pledged himself to be able to prove the statement he then made, without resorting to any department of the Government. He denied in toto the principle laid down by the gentleman from South Carolina on the subject of the grounds necessary to authorize inquiry. Do we not know, said he, that it is the practice in this House, as well as in the British Parliament, that information given by any member rising in his place may be made the foundation of an inquiry? The gentleman had said, Mr. H. observed, that a committee ought not to be appointed on this matter; that an inquiry ought not to be granted in the present state of vague information. Now, Mr. H. said, the information given had been as precise and explicit as could be. It had been stated in this House, that a letter of a most insulting nature, requiring of this Government the most degrading political sacrifices, a letter striking at the honor of the Government, had been transmitted by the French Minister to the Secretary of State, and placed on the files of that Department. And what constituted the files of that office? he asked. If such a letter had been transmitted to the Department of State, and suffered to remain in that office, was it not on the files of the Department? Was it necessary that it should be recorded, to constitute its admission? It had remained in the office sufficiently long to give it an official character. What was the nature of this document? As far back as the year 1809—and gentlemen would recollect the state of our foreign relations at that time; when a Minister coming from England with full powers to negotiate a treaty of amity and commerce was momentarily expected—the French Minister addresses to this Government a letter, to be held as a *rod in terrorem* if we presumed to negotiate with Britain. This letter set forth certain pretended grievances, and required particular political sacrifices of our Government, on the presumption that it was going to make a treaty with Great Britain. It appeared from that letter, Mr. H. said, that France set forth certain disgraceful and dishonorable conditions on which alone it would remain at peace with this Government. Now, call this document public or private, the question was: had it been received by our Government? The views and feelings of the French Government had been spread on paper, and could be as well known through a private as through a public document. As to the objection stated on a former occasion, the letter was a private letter, addressed to the gentleman who held the office of

Secretary of State, but not in his official capacity. Mr. H. said that this objection was perfectly frivolous. The letter was addressed to Robert Smith, Esq., as Secretary of State; it treated of nothing but public business, and the Minister said he felt himself thus called upon to explain to the American the views of the French Government. Not to go fully into the subject at this time, but merely to show that this House was already possessed of sufficient information to act on this subject, it was enough to say that a document of immense importance to the nation had been concealed and suppressed from public view; that whilst we have gone on to consider France as a friendly Power, yet, as far back as 1809, our Government perfectly well knew that it had nothing to expect from the justice of France. And, after having made those political sacrifices, one after another, and thus done everything required of us by this tool of a despot, what had we received in return? Had there been any restoration of the millions on millions of property stolen from us, or did the House know to this day, even, that our Minister had been accredited at the French Court? It was of the utmost importance, Mr. H. said, that such matters should be inquired into. It was a radical principle of our Government that information should be as widely as possible diffused among the people; that they should not be kept in a situation of delusion; that they should not be hoodwinked and blinded to the real state of our affairs with foreign nations—and it could not be denied that an impenetrable veil had heretofore been spread over our relations with France. Was it not of importance to this House and to the nation to know in what manner we had been involved in a war, which one half of this community knew to be unjust and unnecessary, and felt to be oppressive? At the period when this letter was transmitted, this House at least had pledged itself to a system of neutrality. Gentlemen on the Committee of Foreign Relations at that day might be able to say why it was, after taking a stand on the report of their committee, they were induced to change their neutral ground. But why call on the Executive, as was suggested, for this information, when the very foundation of the inquiry was, that the President had done an act this House ought to inquire into; and for which, if satisfied of his guilt, the President ought to be proceeded against? Gentlemen may smile, said Mr. H., but if the document which I produced yesterday (Mr. Graham's translation of the letter) is substantiated, and all the facts said to be connected with it are proved, then I say that a high misdemeanor has been committed. Let me ask gentlemen, if in the days of Adams's Administration a letter of this description had been written by Mr. Liston or any other foreign Minister to our Government, and it had been concealed from public view, and the people had never heard of it till had been dragged forth like this letter, what would gentlemen have said? Sir, said Mr. H., I want an opportunity to prove facts; and, if gentlemen then pronounce a verdict of acquittance, let them do so. But do not suppress an

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inquiry; do not, by smothering investigation, attempt to give impunity to such conduct. Gentlemen appeared to him, Mr. H. said, to take offence, as if they had a fee simple in the Government, or a lease of power for ninety-nine years, renewable for ever, whenever any investigation was proposed which struck at the character of the Executive. They must expect, said he, and if they do not they ought, that we shall use every fair and honorable means to oust them from the possession of power, which we feel they have abused. This House has pledged itself to the people, by implication, that this subject shall be investigated; and, let me ask them, what will be the impression if this motion be rejected? As to the impression I wish to produce, sir, the rejection of this motion will be tantamount to a positive proof of all that I have alleged.

Mr. CALHOUN said he now hoped the House would refuse the inquiry proposed. He had asked for a specification of the object, and had received none. He asked for practical consequences to result from it, and had received none. Mr. C. pronounced the resolution extraordinary in its character, and unprecedented in its form. The resolution went to break into the Executive offices, to call *ex parte* witnesses before the House; for what purpose? For the highest purpose in the power of the House? No; for a mere inquisitorial and vexatious procedure, which is, as no such purpose is avowed, to lay no foundation for impeachment, the only object which would justify the application of such means. Suppose it were proved that this letter was in fact written by General Turreau, and that all the other circumstances relating to it were true, which for himself he did not credit, what did it prove? Merely that an impertinent letter had been written by a foreign Minister. Did the Executive sanction it? No. What view the Executive ought to take of such a letter, or how to treat it, depended on a variety of circumstances on which this House had not the means to form any opinion. Mr. C. said he hoped this House would not grant what was in his view a direct violation of the spirit of the Constitution. He went on, and adverted to the nice sensibility, displayed by the whole phalanx of the other side of the House, yesterday, on a mere proposal for inquiry into the Constitutional power of Congress to punish spies. Mr. C. said he had thought, for his part, we had the Constitutional power to inquire into that subject. He hoped on this occasion to see gentlemen consistent, and exhibit the same commendable zeal as on yesterday, and join with him to secure the Constitution against an invasion of its spirit. Mr. C. expatiated on the vexatious nature of inquiries of this description, tending to no practical result, &c. As to all the insinuations of French influence, and the vague declamation which the House had heard, he did not deem fit subjects of inquiry, or of so much importance as to constitute ground on which to put the Chief Magistrate under a committee of this House. Mr. C. repeated the three requisites he had before stated as necessary to justify this inquiry. If

gentlemen could show that a crime had been committed by the Executive of such a character as to make him amenable to the Constitutional authority of this body, then, and not till then, would he consent to an inquiry which was equally a novelty in this House and in the history of legislation.

Mr. GASTON, of North Carolina, said the gentleman last up did no more than justice to the motives of those with whom he acted, in supposing they would oppose the resolution if he could establish the doctrine that its adoption would involve a violation of the Constitution. But he could not agree with him in that point. The gentleman from Maryland had recommended to the adoption of the House a resolution having for its object the attainment of a document which must be allowed to be of considerable importance; a document stating the conditions on which alone we could retain the amity of France, and in which the views of that Government were declared. If this document were indeed in possession of the Executive, the House might with great propriety apply to him to lay it before them, to afford them the information necessary to their correct decision on our foreign affairs. But we know, said Mr. G., if any credit is to be given to the information which the gentleman from Maryland has received and believes to be true, that there is no vestige of this document in the possession of the Government. If this information said to exist be of importance in our future legislative proceedings, how are we to come at it? Only by the mode designated in the resolution. And would it be denied that this document ought to have an important influence in the deliberations of the House? It was not expected, he said he hoped, that this session was to pass over without Congress coming to some conclusion in respect to our relations with France. If, by the verification of this document, it could be ascertained that the relations of amity were not to be maintained with that nation but by the sacrifice of great political rights or by an accession to the maritime confederacy, conditions which he presumed this people was not prepared to accept, all hopes of an accommodation with that country must be at an end—for no man who possesses an honorable feeling would consent to such amity, on such conditions. There was no other way in which the House could obtain the requisite information but by raising this committee. Mr. G. explained the difference between such an inquiry as this, and one directed to the Executive. The opposition to the resolution, he conceived, proceeded from an over sensitive delicacy on the part of the majority in respect to the Executive. The information he considered important in respect to the legislative proceedings of the House—and he believed the mode proposed the only one in which it could be obtained.

Mr. ROBERTS, of Pennsylvania, said it was the right of this House, and of each of its members, to move an inquiry on the subjects relating to their Constitutional functions, and it was sufficient to justify it that common fame warranted it. Of this right it was more usual for a minority than a majority to avail themselves; but whether a

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call by them for information was proper, expedient, or necessary, it was for the majority to determine. As to the conduct of the Executive, no call upon it could be made which this House ought to feel any hesitation in granting. Mr. R. therefore disclaimed, in offering his objections to the resolution, any intention to shield the Executive. But he meant to exercise his right, as a member of this House, to judge of the expediency of the course proposed. The gentleman who moved the resolution had looked around and said, gentlemen might smile, but that should not deter him from his course. Mr. R. said he might retort, that gentlemen might frown, and use great vehemence of language, but they could not swell into importance what was merely the breath of common fame, and rested on no better than newspaper evidence. The gentleman in substituting the motion under consideration, for that first moved, had assigned delicacy towards the Executive as his motive. There was no need of it, Mr. R. said; if called on, the Executive would freely have given him all the information he could have asked for—which he had acknowledged he expected thus to attain. But now the principle of the motion was changed, and a committee was to be raised to send for persons and papers, to any extent, at the option of the committee. If they could show ground to believe the conduct of the President to be criminal, Mr. R. said he had no objection to the inquiry. But if such was the object, why not openly and fairly march up to it? The gentleman from Maryland, however, had not been content with the strongest insinuations that the conduct of the Executive had been criminal, but had avowed his determination to drive the men now in office from that power which he says they have abused. If such were his object, the most direct way would be at once to disqualify them by impeachment. It had not been very long since, at a former session, the gentleman himself had alleged a delay to have existed on the part of the Government to accept the mediation of Russia; now common fame, who was the gentleman's authority on that occasion, reports that the President invited Mr. Daschkoff, without authority from his Government, to offer the mediation. If the gentleman was then so far mistaken in allegations equally positive with those now made, it was not unlikely that he was as much in error on this occasion. Be that as it might, the fact of this letter having been written had nothing to do with our present relations with France. The letter being declared inadmissible, the withdrawal of the obnoxious paper was a disavowal of it. If addressed to the Government, on the statement of gentlemen themselves, reparation was made for the wrong done by withdrawing the offensive letter. Mr. R. viewed this motion, he said, in connexion with other things, as intended as a bugbear, to drive men from power, which the gentleman says they abuse. We have had much prediction, and much augury, said Mr. R., on the subject of the popular feeling. Gentlemen have told us the people are not with us, and now we are informed one-half the people are

against us. What is the fact, sir? Have we not had elections in all the States recently; and do they prove any indisposition on the part of the people to support the war? On the contrary, notwithstanding every obstacle has been opposed to the measures of the Government, and not a few disasters have occurred, the popularity of the war increases. Mr. R. expressed his regret at the consumption of time in debating on this frivolous subject, when measures of real importance burdened the table of the House. In order to abridge debate, which he believed would be the effect of the motion, Mr. R. moved to amend it so as to change it to call on the Executive for the information proposed to be obtained through a committee.

[This motion was declared to be in order by the Speaker, but was afterwards withdrawn by Mr. ROBERTS at the instance of his friends, but renewed by Mr. BAYLY, of Virginia.]

Mr. CALHOUN expressed his hope that this amendment would not succeed, but that a question would be taken on the original proposition in the shape in which the mover wished it to stand.

Mr. FISK, of New York, who conceived this mode of occupying the time of the House at this moment to be trifling with the feelings of the nation; and anxious to get at the volumes of bills now before them, moved to postpone this subject to the first Monday in March next.

Mr. STROCKTON and Mr. PEARSON opposed postponement, on the ground that it would be equivalent to an evasion of the question; and Mr. McKIM supported it on the ground that great evils might result from the delay of other business before the House, but none could result from the delay of a decision on this question.

The question on postponement to the first Monday in March was decided in the negative—yeas 37, nays 127, as follows:

YEAS—Messrs. Anderson, Alston, Avery, Bard, Barnett, Bowen, Brown, Butler, Caldwell, Comstock, Conard, Davis, of Pennsylvania, Dawson, Denoyelles, Desha, Earle, Evans, Farrow, Fisk of Vermont, Fisk of New York, Glasgow, Griffin, Hall, Harris, Hasbrouck, Humphreys, Kershaw, King of North Carolina, Lefferts, McKim, Ormsby, Rich, Sage, Smith of Pennsylvania, Smith of Virginia, Tannehill, and Wilson of Pennsylvania.

NAYS—Messrs. Alexander, Archer, Baylies of Massachusetts, Bayly of Virginia, Beall, Bigelow, Boyd, Bradbury, Bradley, Breckenridge, Brigham, Burwell, Caperton, Calhoun, Champion, Chappell, Cheves, Cillely, Clark, Clopton, Cox, Crawford, Creighton, Crouch, Culpeper, Davenport, Davis of Massachusetts, Dewey, Duvall, Ely, Eppes, Findley, Forney, Forsyth, Franklin, Gaston, Geddes, Gholson, Gourdin, Grosvenor, Grundy, Hale, Hanson, Hawes, Hubbard, Hungerford, Ingersoll, Ingham, Irwin, Jackson of Rhode Island, Jackson of Virginia, Johnson of Virginia, Kennedy, Kent of New York, Kent of Maryland, Kerr, Kilbourn, King of Massachusetts, Law, Lewis, Lovett, Lowndes, Lyle, Macon, McCoy, McLean, Markell, Miller, Moffitt, Montgomery, Moore, Moseley, Murfree, Nelson, Newton, Oakley, Parker, Pearson, Pickering, Pickens, Piper, Pitkin, Plesants, Post, Potter, John

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Reed, William Reed, Rea of Pennsylvania, Rhea of Tennessee, Richardson, Ridgely, Ringgold, Roane, Roberts, Robertson, Ruggles, Schureman, Sevier, Seybert, Sheffield, Sherwood, Shipherd, Skinner, Smith of New York, Stanford, Stockton, Strong, Stuart, Sturges, Taggart, Tallmadge, Telfair, Thompson, Troup, Udree, Vose, Ward of Massachusetts, Ward of New Jersey, Webster, Wheaton, Whitehill, Wilcox, Wilson of Massachusetts, Winter, Wood, Wright, and Yancey.

Mr. BAYLY, of Virginia, assigned the reasons why he should vote to amend the resolution as first proposed by Mr. ROBERTS; because, as it stood, the resolution implied a strong censure on the Executive, to whom at least so much respect was due from this branch of the Government as to inquire what he had to say on the subject in question before they raised a committee to inquire into his conduct.

Mr. OAKLEY, of New York, spoke at considerable length against the amendment, and in support of the original proposition; in doing which he occupied much of the ground before taken by Mr. HANSON and Mr. GASTON. He said, in addition, among other things, that this House ought never to call on any department for the cause of the failure of its own measures—which principle he assigned as a motive for having voted a few days ago against the inquiry into the causes of the failure of our arms, and as a reason why he was opposed to the motion, as originally proposed some days ago, of his friend from Maryland, (Mr. HANSON.) A sufficient specification had been given, he contended, as cause for this motion, in the statement of facts made by Mr. HANSON, which Mr. O. briefly repeated. If these facts were established, they proved, he said, on our Government the charge of subserviency to the views and influence of the French Government. If the facts were fully established, the most condign punishment ought to await those implicated in the accusation. The practical result then of successful inquiry would be to prove the Executive to have been guilty of a high crime or misdemeanor, and subject to impeachment. As to the form, if information were merely wanted as the foundation of legislative acts, it might well be required of the Executive; but when the result of the information was to implicate the Executive officer, it would be futile to call on him for it.

Mr. ALSTON, of North Carolina, followed in opposition to the resolution, partly on the same grounds as occupied by others in opposition to it. If every fact alleged were proved, he said, it would prove nothing against the Executive. This subject originated in *ifs* and *wherefores*, and, prosecute any inquiry to the utmost, there it would end. Mr. A. adverted to the sensibility gentlemen yesterday displayed on the proposition to prevent spies, torvism if you will, said he, from stalking abroad—and expressed his astonishment at the inconsistency of their conduct to-day on a matter of much more doubtful propriety.

Mr. GROSVENOR, of New York, adverted, somewhat harshly, to what had fallen from Mr. ALSTON on the subject of yesterday's debate, and proceeded to speak in support of the resolution,

which he warmly advocated on grounds before occupied, declaring, in substance, that if the facts were proved, the President merited impeachment for concealing them—and appeared to conceive the permission of the withdrawal of the letter to be no less an offence than he considered its concealment to have been; because the same rule extended would sanction the destruction or giving away of any public document at any time, or even of all the papers in the Department of State.

Mr. CALHOUN again rose and took a rapid view of the variety of objects avowed by the supporters of this extraordinary motion, upon which he separately remarked. On the subject of French subserviency, which had been designated as one of the subjects of inquiry, Mr. C. ridiculed the idea of an inquiry by this House into that baseless accusation, and on a document, too, which on the face of it proved, if it were permitted to prove anything, that no such subserviency existed. The very document by which gentlemen wished to prove a French influence, cut up by the roots the fanciful absurdity—being predicated on the supposed existence of an influence of a very different character. The motion could have no other reasonable or probable object than that avowed by one of its advocates, to put down the majority—and of the weight of such a motive for such a course, the House would judge. Mr. C. recapitulated his objections to this measure, and concluded with expressing his hope of a speedy decision, as too much time had been already occupied.

Mr. SHARP opposed the resolution. He could not, after all the consideration he could give it, view it otherwise than as a position taken by the minority, from behind which to assail, with insinuations and surmises, and attach odium to officers whose characters were impregnable to direct attack. Mr. S. contended, that, supposing all facts stated to be true, the retraction by the French Minister of his letter was a retraction of and apology for the insult it contained—and compared the case to a difference in private life between two gentlemen, in which a retraction of the offence given is always considered reparation of the offence. But how were the facts, he asked? When any gentleman stated facts of his own knowledge, on the honor of a man, he was bound to believe him; but when he stated facts which he could not know unless he had access to the Office of State—facts which he could not know unless by collateral and indirect means of information, he felt bound to ask of him what those means were? Gentlemen say, such things are facts. If they know them to be so, what more do they desire? If they are not certain of them, why do they state as facts what they do not know to be so? If the facts, as they say, are sufficient ground for further proceeding, why not assert them at once, and boldly predicate proceedings on them forthwith? They will not venture to do it. The honorable mover had told the House the other day that he had in his possession the only authentic copy of the letter, translated in

the handwriting of one of the clerks in the Department of State. How came it into the gentleman's possession? How does he know it to be authentic, or to have been translated in that manner? Mr. S. called upon gentlemen to let the House know what they know, and let the House predicate any proceeding thereon it thought proper.

Some conversation now took place between Messrs. GROSVENOR, CALHOUN, and MACON, of North Carolina, on the subject of the proceedings on the impeachment of Judge Chase, which had been drawn into consideration on the question of precedent, &c.

Mr. WRIGHT, of Maryland, in reply to some observations made by some gentleman in favor of the motion, who had drawn a parallel or contrast between this case and that of Jackson, the former British Minister, remarked, that a vast difference at least was perceivable in the conduct of the Opposition in the two cases; and adverted to the dinners given to the dismissed Minister at Philadelphia and at Faneuil Hall in Boston, and to the memorable toast given at the latter dinner by a venerable member of this House—"Britain's fast-anchored isle, the bulwark of our holy religion." These dinners, &c., he believed to have been under British influence, if not under that of Dr. Henry's pills. He was proceeding to remark rather harshly on the motives of the advocates of the proposition, when the SPEAKER checked him for personality in debate.

Mr. GASTON again spoke in support of the proposition, as affording information necessary for legislative acts likely to come before the House during the present session—and in reply to Mr. CALHOUN's remarks on the variety of reasons offered by the advocates of the motion.

Mr. WRIGHT rose to say that the venerable gentleman to whom he had first alluded (Mr. PICKERING) had very politely corrected his statement of his toast, and written it down for him as follows: "The world's last hope—Britain's fast-anchored isle"—which sentiment, the same gentleman had informed him, "he had no objection should be inscribed on his tombstone."

Mr. STOCKTON, of New Jersey, spoke in support of the resolution, and in reply to Mr. SHARP's idea of reparation made—with whom he said he should concur if the reparation had been made at once without the long interval said to have intervened, and without the persuasion said to have been used to induce the Minister to withdraw his motion.

Mr. MACON assigned the reasons why he should vote for the proposition; not but he believed the President to be pure and free from corruption—but because he had no objection to the whole truth being known; to which the President would have no objection, inasmuch as a pure man, like pure gold, need fear no scrutiny. He conceived the retraction of the letter to be a disavowal in fact, and in the nature of an apology for having sent it.

The question to amend the resolve so as to require the information therein stated from the Executive, instead of obtaining it through a com-

mittee, was decided in the negative by a large majority—yeas 7, nays 150.

The main question on the adoption of the resolution was taken, at a late hour, and decided as follows:

YEAS—Messrs. Baylies of Massachusetts, Bigelow, Boyd, Bradbury, Breckenridge, Brigham, Caperton, Champion, Cilley, Cox, Culpeper, Davenport, Davis of Massachusetts, Dewey, Ely, Gaston, Geddes, Grosvenor, Hale, Hanson, Hufty, Hungerford, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Law, Lewis, Lovett, Macon, Markell, Miller, Moffitt, Moseley, Oakley, Pearson, Pickering, Pitkin, Potter, John Reed, William Reed, Ridgely, Ruggles, Schureman, Sheffey, Sherwood, Shipherd, Smith of New York, Stanford, Stockton, Stuart, Sturges, Tallmadge, Thompson, Vose, Ward of Massachusetts, Webster, Wheaton, Wilcox, Wilson of Massachusetts, and Winter—60.

NAYS—Messrs. Alexander, Alston, Anderson, Archer, Avery, Bard, Barnett, Bayly of Virginia, Beall, Bowen, Bradley, Brown, Burwell, Butler, Caldwell, Calhoun, Chappell, Cheves, Clark, Clopton, Constock, Conard, Crawford, Creighton, Crouch, Davis of Pennsylvania, Dawson, Denoyelles, Desha, Duvall, Earle, Eppes, Evans, Farrow, Fisk of Vermont, Fisk of New York, Forney, Forsyth, Franklin, Gholson, Glasgow, Gourdin, Griffin, Grundy, Hall, Harris, Hasbrouck, Hawes, Hubbard, Humphreys, Ingersoll, Ingham, Irwin, Jackson of Virginia, Johnson of Virginia, Kennedy, Kent of Maryland, Kerr, Kershaw, Kilbourn, King of North Carolina, Lefferts, Lowndes, Lyle, McCoy, McKim, McLean, Moore, Murfree, Nelson, Newton, Ormsby, Parker, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Richardson, Ringgold, Roane, Roberts, Robertson, Sage, Sevier, Seybert, Sharp, Skinner, Smith of Pennsylvania, Smith of Virginia, Strong, Telfair, Troup, Udree, Ward of New Jersey, Whitehill, Wilson of Pennsylvania, Wright, and Yancey—100.

So the resolution was rejected.

WEDNESDAY, January 12.

Mr. ARCHER, from the Committee of Claims, reported a bill to satisfy the claim of Mary Wells, executrix of William Wells, deceased; which was read twice, and committed to a Committee of the Whole to-morrow.

A message from the Senate informed the House that the Senate have passed a bill "authorizing the President of the United States to cause certain regiments therein mentioned, to be enlisted for five years, or during the war," in which they desire the concurrence of this House.

The said bill was read twice and committed to the Committee of the whole House to whom is committed the bill of this House authorizing the President to raise, for five years, or for the war, fourteen of the regiments authorized by the act of the 29th of January, 1813.

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Mr. ROBERTS, of Pennsylvania, after stating that, in addition to his disposition to afford gentlemen in the minority all reasonable information on subjects on which they are desirous of seeking

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it, his curiosity had been much excited in the progress of yesterday's discussion to know how and when the purloined paper, so often spoken of, came into the possession of those who now tendered it to the House—moved the following resolution, being precisely in the same words as that which Mr. HANSON first moved in the House:

Resolved, That the President be, and he is hereby, requested to cause to be laid before the House, any correspondence with, or communication in writing from, the late Minister of France, resident at Washington, on or about the 14th of June, 1809, or subsequently with his successor M. Serrurier, prescribing or declaring the terms and conditions upon which their Sovereign would consent to treat of amity and commerce with the United States, if any such correspondence or communication be in the possession of the Executive; and, if none such be in the possession of the Executive, that the President be, and he is hereby, requested to inform this House, unless the public interest forbid such disclosure, whether there has not been such a correspondence or communication, which was withdrawn from the archives of the Department of State, and, if so, when and how the same was so withdrawn."

Mr. HANSON, of Maryland, said, that to redeem himself from the charge of inconsistency which might otherwise attach to him for voting against this motion, it was necessary he should state the reasons why he viewed the present motion as a mere subterfuge, an evasion disreputable to the member from Pennsylvania, and calculated to draw down further censure on the Government.

[Mr. ROBERTS here called Mr. HANSON to order, for personality; and after some remarks from the SPEAKER and justification from Mr. HANSON, on the ground of the tenor of Mr. ROBERTS' observation—]

Mr. ROBERTS explained his first remarks. He did say that the circumstances of this case, as they now stood, favored the inference, that this paper was purloined from some quarter. The resolution, as modified by the mover yesterday, gave up the idea of that paper being in the possession of the Government; and the mover himself had said the paper had been on the files of the office, and he could prove it. Mr. R. said it was his object, as well to ascertain how the facts gentlemen asserted came into their possession, as to afford them an opportunity to acquit themselves of the imputation of unfairness, and also to obtain the information they had so loudly called for.

Mr. HANSON expressed his willingness on all occasions to recognise the authority of the Chair, and the Chair only, in case of violating order in the heat of debate. He wished, he said, the House would only afford him an opportunity for further investigation. What he complained of was, that the Executive had been screened by the House from investigation. And yet, Mr. H. said, he would not support such a motion as this. He had in his possession the document, which he pledged himself to be authentic, to put in possession of the House, and to produce witnesses at this bar to prove its authenticity. For his part he had no disposition to rummage the Department of

State, or examine the Secretary or his clerks. He had before stated, as a reason for varying the form of his original motion to that which was yesterday debated, that new circumstances had come into his possession not before known, which rendered it useless to send to the President. The subject would be consigned to the tomb of all the Capulets, buried forever, if the proposed course was taken, as in a like case at the last session. We ask them for bread, said Mr. H., and they give us a stone; we ask for information, and they will give us an argument. The facts are all we want. Mr. H. said he wished the document in question to be placed in possession of this House, the grand inquest of the nation, and to have an opportunity to authenticate it by witnesses. The adoption of the resolution now under consideration would certainly be an evasion of a fair inquiry; it would be smothering the transaction to adopt this motion, after a knowledge of the circumstances already repeatedly stated to the House. He should, therefore, vote against the motion.

Mr. McLEAN, of Ohio, said he hoped the resolution would be adopted, and that wish arose entirely from circumstances which had transpired during the discussion on yesterday. Before the commencement of the session, Mr. McL. said, he had discovered, through the medium of the public prints, this famous letter of M. Turreau. How, or in what manner it had been communicated to the public he did not know; but he considered it a perfectly harmless paper, and one to which no one could ever have supposed any considerable consequence would be given. It was true that it had afforded a subject for newspaper ebullitions, and even in the gazettes of the day, exclusively devoted to the dissemination of correct principles, that letter itself made a conspicuous figure. He had supposed this would have been the end of its existence, and indeed that it had been a favorite of fortune to meet with so much distinction. Judge of my surprise, then, said Mr. McL., when a gentleman in this House arose in his place, and with much gravity said he was about calling for information more important than any other within the Executive reach, the subject of retaliation excepted; and that this information was certain facts relating to Turreau's letter! But it afterwards appeared, Mr. McL. said, that this letter had not yet arrived at the zenith of its consequence; and he was still more surprised than at first when he discovered the same gentleman again to rise in his place, recall his first resolution, and substitute the very extraordinary one which had yesterday been rejected. This letter, it appeared, was to be no other than the stone cut out of the mountain, which comprised the hopes of gentlemen in opposition; which was to smite the image with destruction, and in itself become an exceeding great mountain, and the importance of which it would be presumption to suppose the discussion of yesterday had in any degree checked. Now, Mr. McL. said, not the importance of this subject, but the progress of the debate yesterday, had excited in his mind a curiosity to inquire

into its origin, and the circumstances connected with its existence; he therefore hoped the House would consent to the adoption of this motion.

Mr. POST, of New York, opposed the present motion on the ground of insufficiency; because a member had declared the document in question to be already in his possession, and he only desired authority from the House to establish its authenticity; which object could only be attained by the motion yesterday rejected by the House. If the gentleman wished a full inquiry, the proper course would be for some gentleman in the majority to move a reconsideration of the motion.

Mr. ROBERTS replied to Mr. POST. His object was to obtain full and complete information on this subject, and to institute an inquiry how this withdrawn letter had come into the possession of those who now say they have it. That information, when demanded yesterday, had been refused by those in whose power it was to give it.

Mr. GROSVENOR, of New York, adverted to the remark of Mr. ROBERTS yesterday, that common fame was sufficient foundation for proceedings on the part of this House. Now, common fame had informed all gentlemen that no such document remained in the Department of State. Not only was the subject so treated last Summer by the persons and papers who met it, but in addition the paper itself was presented to the House. So that no such paper would be forthcoming. But the gentleman had pledged himself, if the paper was not produced, to pursue the inquiry to the most satisfactory result. He called upon the gentleman not to abandon the pledge thus solemnly given; for, notwithstanding his bandying about of epithets in the House concerning the purloinment of papers, there was not a man who had any connexion with the production of that document to light, who would not be proud to meet it. He hoped the gentleman would not content himself with the motion now proposed. But why send to the Department of State for this information, when "common fame" told them that they could not get there the information which they professed to desire? The object was to have the contents of a paper, once an official document, but now no longer so, before the House, in order to see what were the sentiments expressed by the agent of France at this day, and to know whether, on any subsequent occasion, he had retracted or apologized for the insult thus offered to our Government. The material fact, the paper itself, could not be obtained by the course proposed. Mr. G. went on, and restated the facts which had been before stated on the subject. In relation to the idea of the letter being the stone cut out of the mountain, if it were not crumbled to dust in this House, it might grow to a mountain over which gentlemen would stumble. Mr. G. said he was for giving everything of this kind a chance for a fair operation in this country. If this is a matter of any importance, said he, let the inquiry be effectual. If there be purity in the Executive, let that purity be made more apparent; if the reverse, it ought distinctly to appear to the American people. Either let this question be treated

as frivolous, and disregarded entirely, or let it be treated according to its importance, in that manner which will lead to the most satisfactory result. Whilst he was in favor of an inquiry which should expose the whole truth to the people, he should never consent to a mode of inquiry which, instead of disclosing all the facts, would smother them forever.

Mr. BARNETT, of Georgia, said, the only real question before the House these two days was, whether the House should go in at the door or climb over the walls of the public offices, to get at the necessary information. Mr. B. was for the first course; and if gentlemen on the other side, said he, are determined to go over the wall, let them receive that denunciation which it is said those shall have who go over the wall.

Mr. WEBSTER, of New Hampshire, avowing a wish that, if the inquiry was made, it should be effectual, which he conceived it could not be under the present motion, moved to amend the motion by substituting therefor that which was yesterday rejected, viz:

Strike out from the word "Resolved," to the end thereof, and insert the following:

"That a committee of this House be appointed to inquire into the manner in which, and time when, a paper purporting to be a letter from the French Minister to the Secretary of State, dated on or about the 14th of June, 1809, was withdrawn from the possession of the Department of State, and how it came into the possession of a member of this House; with powers to send for persons and papers, and that they report the evidence to the House."

Mr. WEBSTER said that gentlemen had attempted to diminish the importance of this inquiry, and cast a character of lightness and indifference on the subject. The force of ridicule has been tried, but that weapon must be used by rarer talents, and a more powerful hand than this occasion has called into exercise, before it can affect the intrinsic importance of this subject. If the preservation of national character and national spirit; if the cherishing of manly, independent, and elevated sentiments in the Government and in the country are matters of any moment, then this inquiry is important.

It was not, however, his intention to go into the subject generally, but to confine his remarks to the amendment proposed. The present question is, as to the manner of investigating the business. The resolution proposes an inquiry of the Executive. The amendment proposes to inquire by a committee of the House, with directions to report the evidence. What are the circumstances which call for inquiry? A member of the House states, in his place, that he has evidence which induces him to believe, that a letter, affrontive and insolent in its object and character, was written by the French Minister to the Department of State; that the Government received that letter, and, instead of repelling the affront with becoming spirit and dignity, undertook to solicit and supplicate the author that he would take it back; that he decisively refused to do so, saying that he had written the letter with great

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deliberation; that it was registered in the records of the Embassy; that a copy had been despatched to his Government, and that the letter could not be retracted. That afterwards, when certain political purposes were supposed to be answered, this letter, in some way or another was withdrawn from the office of State, and that no traces of it now remain there. The gentleman even produces the letter, as translated in the office, and offers it to the view of the House. Of the facts here stated, the honorable gentleman declares his readiness to procure evidence, and wishes the House to obtain it, through a committee clothed with proper powers.

The mover of the present resolution, manifesting by his resolution his sense of the importance of some inquiry, speaks with emphasis of the necessity of ascertaining the manner in which this letter was obtained from the Department of State. He speaks of it as a purloined paper. He does not, indeed, intimate that the gentleman from Maryland did not come into possession of it in a manner altogether correct and honorable, but he seems to suppose that it must have escaped from the office of State, originally, in some unjustifiable manner; by improper disclosures of the official secrets, or breach of trust in somebody.

This being the present state of the case, may not every one see the delicacy of a direct inquiry of the Executive? Must not every one, also, see the perfect futility of such an inquiry? What answer but one can be expected, when the Executive is asked whether this letter was taken back by the author in consequence of any such request as has been mentioned? Certainly, the House can hardly think of inquiring into such a fact or such a question; nor would it consist with the sense of justice which actuates the House to prepare such an inquiry, for the purpose of giving an opportunity of exculpation by inculcating others. The House ought to adopt a course which shall obtain the whole evidence fully and fairly. We do not need official commentaries and glosses, nor the panacea of an Executive report. It ought to adopt a course that shall bring to its own view an undisguised state of the case, and spread out all the facts, unmixed with opinions. To this end, what course so proper as the appointment of a committee with full powers to collect the evidence and report it? Such inquiry will exclude nothing. Any document, or proof of any kind which the Department can afford, will be received. And if the gentleman from Pennsylvania (Mr. ROBERTS) is serious in his determination to prosecute a thorough inquiry, why not meet the proposition contained in this amendment, which I propose with the assent of my friend from Maryland? Cannot the House trust itself? Does it suspect its own justice? Does it apprehend that any man's reputation might suffer in its hands? If not, on what ground can an inquiry be resisted, which is of a nature to lay all the evidence before the House? Such an inquiry is now offered. The gentleman from Maryland has repeatedly assured the House that evidence is ready to be tendered, if the House will authorize its

committee to receive it; and that sources will be pointed out, if the House will authorize its committee to explore them. He asserts this upon the responsibility of his character and his station. He calls on the House, having received this information, out of regard to its own character and its own duty, to make an inquiry by its own means, and in strict compliance with its Constitutional powers. I know nothing of the facts of the case; but I feel the force of this call, under such a statement, made in his place by an honorable member of the House. If the amendment prevail, the investigation will be something more than nominal. It will be such an inquiry, and such only, as ought to satisfy either the House or the country.

Mr. TAYLOR, of New York, in an animated strain, invoked the patriotic feeling of the House to lay aside this comparatively trivial discussion, and proceed on the business before the House; with which object in view, he moved to postpone this subject to the first Monday in July next.

Mr. BAYLY opposed the motion, though he thought there was much force in the gentleman's argument.

Mr. ROBERTS also opposed the motion. Whether originally frivolous or important, the public attention had been so far excited now, that a development of circumstances attending this letter had become necessary.

Mr. HANSON also opposed the postponement, which he attributed to a disposition to get rid of the inquiry, after the gauntlet had been thrown by the majority.

The motion for postponement was rejected by yeas and nays: For the postponement 67, against it 98.

Mr. BAYLY stated at some length the reasons why he preferred the original motion of Mr. ROBERTS to the amendment proposed by Mr. WEBSTER.

Mr. ROBERTS, in opposing the proposed amendment, took occasion to state more definitely the object of his motion, a duty he conceived he owed to the House. He did not say what were the facts—he did not apply reproachful terms to any member; but as a great deal had been said about common fame, he would state that common fame did report some dishonorable circumstances of the manner in which the paper so often mentioned had been obtained, not from the files of the office of State, where it was not, but from the private files of a member of the Government. His intention was, as the paper was before the House, to place in its proper light the production of it, and to exhibit in a proper view the conduct of the gentleman who produced it. And he should not rest in his inquiry till he had obtained a complete disclosure of all the circumstances.

Mr. GROSVENOR supported the amendment.

Mr. BIGELOW said, he did not intend to have made any remarks on the subject before the House, but the strange course which had been pursued, induced him to submit a few observations to their consideration. As he was unprepared, they would necessarily be desultory. In the wide range of

debate, gentlemen appeared to have lost sight of the real subject before them. He would attempt to recall their attention.

An honorable gentleman from Maryland (Mr. HANSON) some days since offered a resolution, requesting the President to lay before this House information relative to the letter of the late French Minister, Turreau. From evidence which came to his knowledge, after offering that resolution, and before it was acted upon by the House, he is fully satisfied, and states to the House, that a call on the President will be useless. And from the statement he has made, must it not be apparent, that a call on the President will not give us the necessary information. The honorable mover withdraws his first resolution, and offers another, proposing the appointment of a committee of this House to inquire into the facts relating to that letter, with power to send for persons and papers.

This proposition was yesterday rejected by the House, and now, the gentleman from Pennsylvania (Mr. ROBERTS) offers the same resolution, originally introduced by the gentleman from Maryland, (Mr. HANSON,) and which resolution was also rejected yesterday, by a large majority, when offered by the gentleman from Pennsylvania by way of amendment.

Mr. B. said, he was in favor of the amendment proposed by the gentleman from New Hampshire, (Mr. WEBSTER,) because he believed it would render the investigation more effectual. A call on the President, from the very nature of the transaction, could not be expected to furnish us with the facts called for by the resolution. But, if a committee is appointed with power to send for persons and papers, as proposed by the amendment, in all probability they will be able to obtain the necessary facts.

But, said Mr. B., it has been said our time ought not to be occupied in the investigation of this subject. Our frontiers, say gentlemen, are suffering, our country is bleeding at every pore, we ought immediately to pass the Army bill. All this, he said, was too true. He was sensible of the sufferings of the frontiers—he was sensible of the distresses of the country. But, do gentlemen suppose, that passing a bill, will raise an army? Besides, have we not spent day after day, debating on a proposition to amend the Constitution? Was it then stated, that the frontiers were suffering, and must be immediately protected by an army to be raised?

Have we not, since the commencement of the session, had a proposition to adjourn for ten days, and was this objection then made? Have we not also been engaged in much business of a private, and not very important nature, and was there any want of time to attend to it? This objection, he said, was not well founded, and he ventured to predict, that much of the time of the House would be spent on unimportant business, without this objection being made.

But, said he, it has been said that this is a subject of an unimportant nature. He did not view it in that light. Can anything be more important

to this House, and to this nation, than correct information on the subject of our foreign relations? Is it not important that the Legislature of the nation should at all times know the precise state of the relations of this country with other Powers? But in his view, what gave very great importance to this letter, was the conduct, at that time, of France in relation to other Governments. Russia, by the battle of Friedland, had been compelled to join France in her maritime confederacy against Great Britain. Austria and Prussia also had been compelled to submit to the same confederacy, and Portugal had been invaded by her armies. As he understood this letter of Turreau, it demanded our Government to join in the same maritime confederacy against Great Britain, as the only condition on which we could expect to treat with France. He said he did not mean to suggest that the American Administration had consented to the terms of this letter. But if all the facts which had been stated respecting it were proved, it would certainly create a suspicion in his mind that they had been influenced by it. Another objection has been made to this inquiry, that those in favor of it do not agree as to the course to be adopted, when the information is obtained. It would indeed be surprising if they did. The inquiry now is, not what is to be done, but what are the facts, that, having them correctly before us, we may know what to do. As the amendment proposed is better calculated to obtain those facts, than the resolution of the gentleman from Pennsylvania (Mr. ROBERTS) he was decidedly in favor of it.

Mr. SHIPHERD said, he was not a little surprised that gentlemen should, with so much zeal, oppose the amendment offered by his honorable friend from New Hampshire, (Mr. WEBSTER,) as that amendment would have facilitated so essentially the avowed object of the honorable mover, (Mr. ROBERTS.)

That gentleman declared, when he introduced the resolution, that his design was to afford an opportunity to gentlemen on this side, to show by what means the official translation of the letter in question was obtained from the public office. If the honorable gentleman was sincere in this avowal, it seems very extraordinary that he should resist the only proper expedient to produce the wished-for result. For, Mr. Speaker, said, Mr. S., this call on the President, may, and probably will, fail of the intended object; but the appointment of a committee, clothed with authority to send for persons and papers—to hear proof, search and inquire for the truth, would unquestionably enable the House to arrive at that certainty which cannot reasonably be expected in the way contemplated in the resolution.

Believing this the most effectual and desirable mode of proceeding to obtain the information which is demanded in the resolution before the House, and which, Mr. S. said, he and his friends were very solicitous to obtain, he had in vain cherished the hope, that the resolution introduced by his honorable friend from Maryland, (Mr. HANSON,) which was under consideration yester-

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day, would have been adopted. Had it been so, the mask would soon have been stripped from the whole transaction, and the truth presented to the House in naked view. Then, sir, might proof be introduced to the Committee, drawn from a source unmoved and unbiassed by interest.

From the reasoning of gentlemen on my left, said Mr. S., it is very apparent that they wish us to believe the letter of the French Minister, *Turreau*, to be of an indifferent and unoffending character; and, also, if the letter in the commencement of the business was reprehensible, yet, as *Turreau* took it back, he thus atoned for the transgression, and any inquiry into the transaction would now be useless. That gentlemen mean as has been stated cannot be doubted, because no other conclusion can be drawn from what has been said. It has been frequently stated that it was too trifling an object to occupy the time or attention of the House.

After the contemptible character given to a paper esteemed so harmless and inoffensive, it behoves the House to examine it, and then to pronounce whether its true character has been rightly understood. If the copy of the letter published is correct, the original contains more insult and indignity than was ever tamely endured by any Government, save ours, since it pleased Heaven to civilize man. In the rude, contumelious, and dictatorial style, of an unblushing French Minister, it demanded no less than an absolute sacrifice of the liberty of speech, the independence and national sovereignty of the Union, as an offering to appease the resentments of that Minister's master.

The important inquiry then, sir, is first, is this copy a correct one? and, secondly, in what manner did your President receive the letter? Did he receive it as became the Chief Magistrate of a great and free people, jealous of their honor and proud of their standing among nations? Did he solicit the writer to receive it back in the supplicating tone and language of a whipped menial? Or did he conduct correctly, and spurn it in the teeth of the insulter?

We wish to know the mode of operation; how the affair was managed; we are entitled to know it; and, for that reason, we call on the House to adopt a measure which will promptly and effectually point us to the truth.

It is not intended by these remarks to bestow absolute censure upon your President. Gentlemen on this side condemn not without proof.

Mr. S. said, he did not mean then to express an opinion, whether the rumors afloat are true or false; but, if true, he said he was constrained to differ from his colleague over the way. (Mr. Fisk.) that the letter, and the manner in which it had been used, was a matter of trifling consideration. For, sir, said Mr. S., if the reports in circulation are true, we ought to declare, with one voice, that the President, and his Ministers concerned, deserve severe reprobation—that they have suffered the character of the nation to be trifled with, and have not sought redress.

Sir, this paper has made a great noise among

the people, and they are by no means disposed to consider it a thing of either a harmless or indifferent nature; and they will not be satisfied unless it is passed upon by this House. There may be a sort of dust-licking gentry in the nation, who believe in the infallibility of their ruling partisans, who are at all times prepared to cry hosanna—who may not, for good reasons, ask for information. Such men are not of the kind referred to, but the people of all parties who love their country, its independence, and happiness; and depend upon it sir, such will never feel willing to pass in silence over the humiliating and degrading conduct of their rulers.

It is said by gentlemen over the way, that the receiving back the letter by Mr. *Turreau*, was necessarily an apology for the insult, if the letter was of a character to be insulting. I cannot believe (said Mr. S.) that an apology is a certain consequence of taking home this offensive letter. A diplomatic agent, in all his official communications, is presumed to speak and act in consonance with, and in obedience to, the directions of his sovereign; this letter, then, was virtually the letter of the French Emperor; bespoke his feelings, and contained his sentiments. Admit, if you please, sir, that the language was hatched by his Minister, the offence consisted less in the language than the odious terms dictated as conditions whereon to bottom the favor of his royal principal.

To confirm the position, that this letter sprang from the instructions of Bonaparte, *Turreau* urges, as a reason why he should not take it back, that it was enrolled in the archives of his Government. Now, sir, admitting, for the sake of argument, that which ought not to be admitted for any other reason, that, between private gentlemen, the receiving back an offensive letter would of course purge the insult, yet it remains to be known whether the Emperor has directed it to be unrolled from the archives of his Government.

Sir, said Mr. S., I cannot persuade myself to believe that gentlemen sincerely design to maintain the position—that the indignity which had attached to the American people, by the letter, was peeled off by receiving it back, without any apology, any explanation; whether they do or not, it would be an absurd position. It is the "*quo animo*," which we hear so often over the way, with which the act is done, that must or not constitute an apology. Receiving back the letter in sullen silence would add to the first transgression, as it would be saying, "true I have insulted you, but I have no recantation to offer. The Minister of his Imperial and Royal Majesty condescend to admit he has done wrong!"

Sir, private gentlemen would ask that so gross an insult should be retracted—they would demand an ample confession of the wrong; and shall a Government do less? A Government, too, which, soon after the letter was received, was open-mouthed against the Minister of another Power, who, as was said, pointed his language rather too much?

Ought it to be endured that we should be so

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severely chastised for trifling aberrations from perfect obedience to the Royal Dictator, and demand no other satisfaction than the taking back the rod with which the discipline was performed? Heaven forbid that my country should ever be so sunk and degraded.

Sir, the resolution before the House, without the amendment, is manifestly improper. It is indecorous to call on an officer for information, in respect to the guilt or innocence of transactions, where he has been an actor. If guilty, he is not bound to answer your inquiry, for even the culprit is not compelled to accuse himself; and if innocent, you wound his feelings; indeed, sir, you insult him. Suppose a case: suppose some honorable member of this House should rise in his place and state that he had heard, and believed, of a bargain concluded between the President and the French Minister, for the sale of this nation to his master, and that possession was shortly to be surrendered to the purchaser, and a resolution should be introduced to inquire into the truth of the statement; would gentlemen feel themselves at liberty to vote against a committee, and send their resolution to the President, and put the question to him, "Sir, are you a vile traitor or not?" If not in that case, why in the one under discussion? they differ not in principle, but only in degree.

Should a resolution be adopted of the indelicate tenor already stated, the President would be justified in frowning from his presence the committee who should present it, without answer or comment to or upon the offensive paper. Sir, the gentleman cannot distinguish between the two cases, so far as respects the mode of proceeding, and we shall offend propriety to ask that high officer whether he is guilty or innocent; for, it is vain for gentlemen to contend that if there is guilt in the transaction, the President may be free from it; and, were we sure of the contrary, yet, as this appertains to the duties of his office, I must enter my protest against a proceeding which appears so improper.

An honorable gentleman from Ohio, (Mr. McLEAN,) in the indulgence of a glowing and luxuriant fancy, among other elegant figures, (said Mr. S.,) called the letter a *bantling*, and that it had been sent all over the Union. Very true, sir; it was wished that the people of this once prosperous country should see what misshapen lumps of deformity were generated in the region of corruption. And the honorable gentleman admits, in substance, when he saw it in Ohio, he thought it a monster—a mammoth; that its cries alarmed him; and is now surprised to see what a diminution of bulk and deformity, since then, it has experienced.

Perhaps the gentleman saw it there with his naked eye, and here through a sort of political telescope; look into one end of which, the object is magnified; into the other, it is diminished.

Sir, whether the "*bantling*" is spurious or legitimate, large or small, two things are certain:

1st. Notwithstanding the mutation, in the eyes of the honorable gentleman, the "*bantling*" is a

monster; and, also, that it was nursed for several months in the Department of State. The President, himself, condescended to administer the pap and panado, and for aught we know to rock the cradle. Therefore, we wish to know in what manner the "*bantling*" left its nursery; whether by fair means or foul; whether its illustrious sire came civilly, and paid for nursing, and took it away; whether it was kicked out as a creature grown loathsome and detested; or whether, in other less desirable manner, it cleared out at the palace.

My honorable colleague (Mr. TAYLOR) objected to the discussion of the amendment (said Mr. S.) because our time ought not to be devoted to subjects of this nature, so long as our Northern frontier is suffering from the incursions of the Briton or Indian.

It is too true, sir, that our frontier is suffering from the incursions of the enemy. It is too true that they, maddened by the savage cruelty, the barbarous deeds of burning Newark, are spreading desolation throughout that devoted country. It is too true that the revenging tomahawk, scalping knife, and murderous yell of the savage, have been, and are still, bearing terror and dismay to that unfortunate portion of our fellow-citizens.

It is true, sir, that your villages and towns are blazing with the retaliatory fires of Newark, and that the abominable transactions of the vaunting and perfidious McClure, are retributed with vengeance upon the heads of defenceless women and children. It is a heart-melting truth, that the sufferings of that part of Newark call loudly for succor. But, sir, what can we do? Legislate we can; and while we do so, the desolating hand of the enemy, with fire and sword, lays waste your whole frontier. This House may do what they have often done; enact laws to raise armies, create offices, and appropriate moneys—they can legislate, but they cannot execute.

Sir, said Mr. S., we can fight the enemy on paper; we can scold, denounce, and threaten; we can swell and look big; we can charge them with whole volleys of words, and words, too, of no mean kind—but with boasting, swelling, high-sounding words; this mode of warfare, however, experience has demonstrated to be inefficient. Proclamations and laws are harmless things to an invading enemy. It is the duty of your President to preside over the execution of your laws, and had those already enacted been promptly and effectually executed, the ruthless savage would not have drawn your citizens from their peaceful dwellings.

Sir, at the commencement of this war, we were promised that Canada should become ours by conquest, and now the impotent enervated crime of war cannot be raised to drive from our soil a minor and inconsiderable portion of the enemy. While this foe is dealing indiscriminate ruin on our Northern borders, where, sir, are your hardy heroes, who have been so much commended for anticipated deeds of valor? Where are your Generals and inferior officers? Look at your cities, your polished towns, your drawing-rooms,

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and levees, and you will find them; your eyes will be dazzled with epaulettes and lace, worked with the needle of the embroiderer, if not by the sword of the chieftain. The privations of the camp, at this inclement season, are too great for the lads of gallantry and the lovers of dalliance; and they much prefer exposing their breasts to the darts of Cupid, than to the balls and bayonets of the Canadians.

In such a state of things, what will you do with more laws? We have too many already. Without a vigilant and vigorous execution of them, they are but dead letters. [Here Mr. ARCHER called Mr. SHEPHERD to order.]

Mr. S., after a few moments' pause, continued: I thank the honorable gentleman from Maryland, for permitting me to go on so long without interruption—so near to a close.

Mr. S. said, that he was much surprised to hear his honorable friend from Virginia (Mr. BAYLY) remark that it was a matter of favor in the majority to comply with the wishes of the minority. If he understood his honorable friend correctly, Mr. S. said, he was constrained to express his dissent to such a doctrine. It is calculated on too humble a silence for my constituents said Mr. S.—for one, I came here in the conscious dignity of their Representative, honored with their suffrage and proud of their confidence. I came not here to supplicate favors, but, in the spirit of independence, to demand right. And in that spirit the minority do demand a vote which will develop the secrets (if any) that concern the subject under consideration.

Sir, there is no officer of the Government placed above our reach, whose official conduct is constitutionally exempted from our investigation. It is our right and our duty to watch over the high officers in a special manner—to arraign if guilty, and shield if innocent.

Mr. BARNETT, with a view to check the unnecessary consumption of time, moved the previous question; which was refused—for the previous question 64, against it 66.

Mr. WEBSTER advocated the amendment which he had proposed, at some length.

The question was then taken on his proposed amendment by yeas and nays, and negatived by a majority of 30 or 40 votes.

Mr. HANSON said, that the motives which had influenced him throughout this proceeding might be perfectly understood, and that his conduct might not by possibility be misconstrued or suspected, he would make one further effort to lay the foundation of an effectual inquiry and full development.

The member from Pennsylvania had prated about the manner in which the letter had come into his (Mr. H.'s) possession, and added that he meant thoroughly to investigate it. Mr. H. said he would anticipate the gentleman's motion by presently submitting an amendment to his own resolution to that effect. He would despise himself if he would be screened in the manner the supporters of Administration attempted to shield the President. He was always ready to meet con-

sequences, and exhibit his actions in open day. It was really amusing, though, to see the different shifts and expedients to which gentlemen were driven, and the many shapes which the opposition to an inquiry assumed. They were as various as the colors of the rainbow. Yesterday, a gentleman from New York (Mr. FRISK) said it was a mere matter of diplomatic etiquette, not worth inquiring into; and the honorable Chairman of the Committee of Foreign Relations founded his principal objection upon the omission to incorporate articles of impeachment in the resolution to inquire; and now it was seen that a mode was adopted by a member from Pennsylvania, and generally supported, intended to get rid of the matter altogether. Mr. H. enforced the inutility of pursuing the mode proposed, saying, that if we had recourse to the President for a disclosure of facts, it was as well known now what the answer would be, as it would be known after it was given. Innocent, he would disdain to answer such an inquiry; guilty, he was not bound to criminate himself, and would take care to give an answer answering his own purposes, but not the object in view.

Mr. H. said, he whose mind had not been broken down by an established systematic tyranny of opinion—who had not been gradually brought to "a total abnegation in favor of Government, of all individual feeling, of all personal character, almost of all private thought"—he whose independence and spirit had not been subdued by twelve long years oppression and successful usurpation, would agree with him (Mr. H.) in treating the motion of the member of Pennsylvania as a contrivance to evade and smother an inquiry. As to the idle threat from the member over the way to force him (Mr. H.) to make known to the House the manner he had obtained the document, he had only to remind the House that that was one of the objects to be arrived at by appointing a committee with power to send for persons and papers, and he had over and over challenged the House to appoint such a committee. If the member alluded to was not already satisfied, he ought to be satisfied that there would be no shrinking on this side of the House, nor was there in the conduct of the original mover of the resolution (Mr. H.) anything which he hoped even looked like shrinking. He was for pursuing a steady, straightforward, undeviating course to arrive at his object, sensible of the responsibility, and fully prepared to meet all consequences. To bring the whole matter before the House, he would, therefore, move to strike out all after the word *Resolved*, and insert what follows:

"That this House will, on the — day of — next, receive evidence, at the bar of this House, of the manner in which, and time when, a certain paper, purporting to be a letter from the French Minister to the Secretary of State, bearing date on or about the 14th day of June, 1809, was withdrawn from the Department of State, and how it came into the possession of a member of this House."

Mr. STOCKTON warmly supported Mr. HANSON's amendment. He said he was in favor of

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the amendment proposed by his friend from Maryland, because he thought it better calculated to attain the object avowed by the gentleman from Pennsylvania than his own resolution, and because it better accorded with the feelings of gentlemen on both sides of the House. It was correctly remarked by the honorable gentleman from South Carolina yesterday, that no resolution should be adopted here which did not lead to a practical result. In this case there was no dispute concerning the principal fact—it seemed to be admitted on all sides that the letter was genuine; that it had been received at the office of State; remained there for some time, was then taken from off the files by some person, with the assent of the French Minister; and is now in the hands of a member of this House. We want, then, no farther information on this part of the subject. There can be but two objects in the view of any gentleman—those are to explain this transaction satisfactorily, so that if there is anything wrong in it, the public may know who has been in fault; and that this House may inquire of their member how this letter came into his hands. The original resolution is not the proper mean to attain either of these ends. In respect of the first object, one side of the House are already satisfied; they want no information. The gentlemen of the majority, by their vote of yesterday, have declared that they are satisfied—they have applauded the conduct of the Government, and wish no farther investigation. We think that it would be useless, as well as improper, to make the proposed application to the Executive. The blame, if any exists, must attach itself to the Executive—it must, therefore, be incorrect and useless to apply there. We think that this House is the proper tribunal for investigations and explanations, which ought to be founded on proof, and not rest in assertion. Why, then, should we apply to the President on a matter which concerns himself, when nothing short of the avowal of the facts, which the gentleman from Maryland offers to prove, would be satisfactory either to us or the people. But the second object is the real one—the honorable gentleman from Pennsylvania distinctly avows that it is; he is fully satisfied with the conduct of the Government, but he means that this House shall inquire how the member from Maryland obtained the letter. What information can the President give on that matter? He can know nothing about it. The amendment offered by the member alluded to himself, will conduct directly to the object. He has anticipated the inquiry—he challenges investigation—he shrinks from no development which shall be required by the authority of this House—he offers at your bar, in the face of the nation to prove when, by whom, and for what purpose, this letter was taken from the Department of State—he has nothing to conceal. His only intention in stirring this thing has been to give full public satisfaction, which he pledged himself to give if you will afford him the means.

As to this subject in general, it is considered by

some gentlemen of too trifling a nature to engage the attention of the House for a moment. I differ widely from those gentlemen—I believe that a large portion of the people differ from them. This letter, when first brought to light, made a deep and solemn impression on the minds of reflecting men, who had pursued the course of our foreign relations for a few years past. The common inquiry was, is this letter genuine? Can it be possible that such a letter should have been received from the Minister of the Emperor of France, and concealed from the people? The sentiment that Congress should investigate it was common; and not confined to one party only. Its contents—the time when it was written—the events which have taken place—the political sacrifices which have since been made; all make it important. Is it indeed a trifling matter for the Minister of a foreign Power to insult the Government and the people—the Minister too of a Power that has pursued us for years with rapine and plunder, to turn accuser and demand sacrifice—your peace and prosperity—order you to trample on your Constitution and the liberty of the people, by destroying the liberty of the press and of speech? Some gentlemen may think it so. Those who have with complacency heard this same Power exhaust its terms of contempt and reproach upon us—order us to give up our lawful trade—declare that we were already at war with a nation with which we were at peace, call us a people without character or honor—compare the American Congress to a Jamaica Assembly. Those who have heard all this with complacency, may think it a most trifling affair. My sentiments are, that the interest and honor of the nation require an investigation at the bar of this House.

Mr. ROBERTS opposed the amendment, and insisted that it was the proper course to demand of the President information upon this subject. He insisted, at some length, that this course was indispensable; but as Mr. R. was a great distance from the reporter, his argument was not distinctly heard. He declared that the statements that had been made in the House by the gentleman from Maryland, were entitled to no more weight than as if published in the newspapers; and he again insinuated that the letter of Turreau had come unfairly into the hands of a member of the House. He pledged himself to investigate the subject, and to present the conduct of the member who produced the letter to the House and the nation.

Mr. GROSVENOR said, often as he had already delivered his sentiments upon this subject, he could not suffer the vote to be taken upon this last effort of his honorable friend, without again calling upon the House to avoid the miserable farce of an inquiry urged by the gentleman from Pennsylvania. He should not press the views he had before taken, of the contents and character of the offensive document; the manner and spirit with which it had been received, retained, and suppressed by the Administration, and the tame and spiritless manner in which it had been surrendered to its author.

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These topics had been fully discussed. He would, however, briefly recapitulate the facts, as stated by his friend from Maryland, which facts, it was the object of his present amendment to prove at the bar of the House.

In the year 1809, when the feelings of the nation had been much agitated by the failure of the arrangement concluded with Mr. Erskine, it was understood that a British Minister was on his way to explain the causes of that failure, and to renew negotiations for a Treaty of Commerce with these States. As this Minister approached the Capital, Mr. Turreau, the French Minister, wrote the letter in question to the then Secretary of State. In that letter he virtually declares, that a treaty with England would be war with France. In that letter were displayed all the feelings, views, and sentiments, of the then all-powerful, but now humble tyrant of France towards this country. "Political sacrifices" were then demanded from us, as the price of French amity and commerce—"political sacrifices" which the tyrant well knew, could not be made, without a surrender of the Constitutional rights of this people, and the independence of this country.

The terms of the letter were of the most offensive and insulting character. It lay silently in the hands of the Executive Government, during the whole period of its contest with the British Minister, Mr. Jackson. During that period, agents were employed to persuade the French Minister secretly to take back the letter, that the indignity, and the haughty demands of his master might be buried in silence. Even the Secretaries were employed on missions to Baltimore, where the angry Frenchman resided, to prevail upon him to relent, and to receive back his letter. Every prayer and entreaty was met by a haughty refusal. He declared that the contents of the letter, the character of its style and language, the propriety of its claims and demands, had been fully considered and approved by the whole legation; that a copy had been transmitted to his master, and that it never would be retracted.

Thus months passed away, and never, until Mr. Jackson was driven from the country; never, until by that measure an open contest with England appeared inevitable, did the haughty minion in the slightest degree relent. Then, indeed, secretly, silently, without explanation or apology, he sent his secretary to take back the letter. But the copy transmitted to France there remains, and ever will remain, a monument of the insolence of the French Minister, and of the spiritless character, the pusillanimous policy of the present Administration.

This, Mr. G. said, was, in substance, the charge made by his friend from Maryland. For the truth of the facts he could not vouch. From the nature of the thing this was impossible. But his honorable friend neither asked nor needed a voucher. Upon his honorable character, upon his high responsibility, this House must have an implicit reliance. And when, as by this amendment he now does, when he calls for your arm to bring witnesses to your bar to establish these

charges, if you refuse his demand, you have no right to suggest a doubt of the truth of the charges.

Here then, said Mr. G., was the offence of the President. He knew the claims, and pretensions, and views, and demands of the French tyrant hostile to the peace, the prosperity, the rights, and independence of this country; but, in violation of an imperative article of the Constitution, for four years he has neglected to communicate that knowledge to Congress and the American people. He has struck the document from the records of State, that unless by accident little short of a political miracle, it might never see the light in America.

This infamous scrawl contains more insulting language, more haughty and ferocious abuse, more slander on the American name and character, than all the writings and correspondence of every British Minister who has visited our country. Yet, while this infamous scrawl was in the hands of the Administration, while its author was breathing proud defiance and new insult at Baltimore, undisturbed, but by the importunate entreaties, supplications, and prayers of our Secretaries, that same Administration was hunting after insinuations, searching for technical indecours of language, upon which to found a letter of dismission to the British Minister. These inferences are predicated upon the facts stated by my honorable friend from Maryland. You are now required to test the truth of those facts. You are bound to afford that test. For, if they shall be established, who will deny that they constitute a violation of duty, a misdemeanor which imperiously demands the interposition of the Constitutional power of the House?

The gentleman from Pennsylvania, (Mr. ROBERTS,) who has this day renewed this subject, says he will not agree to the amendment, because he is not sure the facts, as stated by my honorable friend from Maryland, are true. And yet he says, that "if those facts are true, the President is condemned already." I think I repeat his own words. [Mr. G. here looked at Mr. ROBERTS, who nodded assent.] If this is his belief, strange, indeed is his conduct—"Condemned already!" "Condemned," for what; for an innocent transaction? For resenting, with proper spirit, as vile and degrading an insult as ever one independent nation offered to another; for communicating the state of our relations with France; for openly, constitutionally, and frankly communicating to Congress and to the nation, the designs, intentions, claims, and pretensions of France, as he found them in an official document, signed by the confidential agent of the tyrant. Is he "condemned" for this?

[Mr. ROBERTS rose and said, he believed he had not used the precise language imputed to him.]

Sir, continued Mr. G., I wrote the words as they proceeded from his lips. He cannot explain them. If he now retracts them, why let him retract them. It varies not the conduct of the President; it alters not the case. For I hesitate not

to say that if the statement of my honorable friend shall be substantiated, the President is "condemned already"—"condemned" for suffering the dignity of this nation to be trampled down by the minions of a tyrant, without proper spirit and resistance—"condemned" for hunting a British Minister from this nation, for at worst a mere indecorum of language, while at the same moment he shielded from the fiery indignation of a free people the Minister of a tyrant, who, in an official communication, had outraged every honorable American feeling; who had heaped upon us the basest insults; and who set, repeatedly set at haughty defiance, our resentment at his unparalleled insolence.

He is "condemned" for suppressing and endeavoring to bury from the public eye forever, an official French paper, stating, in language not to be misunderstood, the political sacrifices which we must be prepared to make as the price of French commerce, and a tyrant's friendship—"sacrifices," not only of advantages to be derived from the commerce and friendship of England, but "sacrifices" of our political rights, our spirit of independence, and many of the principles which form the basis of the whole fabric of American liberty; principles which never can be sacrificed but with our Constitution. Have these French claims ever been abandoned? Was the taking back of the letter, not because it contained demands which France was ready to relinquish—not because she ceased to require these "political sacrifices"—but because of the entreaties and prayers of the Secretaries; and, above all, because its great object was obtained when Mr. Jackson was dismissed, and all hopes of arrangement with England thereby at an end; was the taking back of that paper, under such circumstances, even the slightest evidence of the abandonment of the claims and pretensions and views towards us, which it proved to exist in the mind of the French tyrant?

Has there been since that time any document to show that these claims and pretensions have ceased to exist—these "political sacrifices" ceased to be required? On the contrary, has not all our intercourse with France proved that these scandalous claims and pretensions are in full vigor? Why else have we not a commercial treaty with France? Why else has there been such incessant reluctance on the part of France to negotiate, while on the part of our Government the negotiation has been loudly and incessantly and importunately demanded? Why, unless it be that the claims and demands and "political sacrifices" by the French Minister, (Turreau,) set forth in the letter now before us, to which the President dare not accede, are the eternal barrier to all serious commercial arrangements? "Condemned" therefore the President must be, if the facts stated by my honorable friend shall be substantiated.

Does not this view of the case present the indecency, the absurdity, the folly of the course demanded by the gentleman from Pennsylvania? What! ask the President if he is guilty of conduct which must condemn him for a misdeed—meanor—go to the accused himself to prove his

own guilt! Sir, it is worse than farcical. It is, it can be, viewed in no other light than as a shield thrown by his friends before him—as a plausible but palpable evasion of the investigation of charges which the resolution itself assumes and admits to be worthy of investigation.

Mr. Speaker, if in truth this House deem the matter of that grave importance which at all demands the interposition of this House, let that interposition be conducted in a manner not so utterly ineffectual—do one thing or the other. If the subject is trifling, and beneath this House, dismiss it altogether; if it is grave and important, and an inquiry be requisite, make that inquiry effectual. Do not prostitute your power, in the form of inquiry, for the purpose of shielding from inquiry. Act with the dignity of the Grand Inquest of the nation, or act not at all.

My honorable friend has, in every form, demanded that you investigate the truth of his charges against the Executive. Upon his responsibility, as a member, he has told you that he has no personal knowledge upon the subject; but, such as are the secrets of his information, he verily believes them true; and, by this amendment, he demands of you that witnesses be called to your bar to establish them before the nation.

Why do you shrink from his demand? Why do you refuse the only inquiry which can lead to truth? Why do you throw the whole subject into the control of the man whose misconduct is the subject to be investigated? This amendment goes still further, and has still a stronger claim to be adopted by the House. The gentleman from Pennsylvania, declares that his resolution is but the first step—that he will follow it up with an inquiry into the manner in which this letter came into the hands of my friend from Maryland.

Mr. Speaker, what a singular spirit does this declaration prove to exist, in him that made it. I would ask that gentleman, whether he stands here a sworn advocate for the President, or as one of the Grand Council of the nation, with duties to perform independent of that President, nay, whose duty it may become to prosecute that President?

If the latter is his condition, how does it comport with his high station, when a charge is made against the President, and evidence produced by the accuser, that in one breath he should peremptorily refuse to investigate the charge, to examine the conduct of the accused, and in the next pledge himself to investigate how that evidence was obtained, and to examine the conduct of the accuser? Is this the feeling and spirit of an impartial judge? Is it the spirit, and feelings, and language of a great national juror, who has sworn to support the Constitution, which subjects the President to impeachment by this House for misconduct.

But the same member has stated, that common fame has said that this letter was purloined from the files of a gentleman, and he has blindly insinuated that it is dishonorably in the hands of my honorable friend. When this charge was but insinuated this morning, it excited a storm from

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which he who made it was glad to shield himself by a full explanation. It has been again insinuated, but in a style more blind and ambiguous, and my honorable friend has condescended to demand an inquiry into the slanderous insinuation. I rejoice that he has done so. It was needed, not to repel the slander. It was needed, not to vindicate him from suspicion; his life and character stamp libel upon the insinuation. But it was needed to drive the gentleman from Pennsylvania from his last miserable refuge. It was needed, that this nation might know that the man who arraigns their President for misdemeanors stands on high and honorable ground, and disdains not to submit his conduct to the same tribunal to which he calls the Chief Magistrate of his country. Therefore, it is, that he has condescended to demand of you an investigation of the slander cast upon him, in the same manner and at the same time that he calls upon you to investigate his charges against the President. How will the author of the insinuations now act? How will he continue to avoid the inquiry which he has demanded? Now will you shrink? Will you suffer one of your body to cast a slanderous imputation upon another; and when that other calls upon you to investigate the imputations, will you refuse that act of common justice? Remark, I beseech you, the exalted station which my friend from Maryland now occupies. He, in pursuance of his duty, and in a manner perfectly rational and Constitutional, arraigns the President before you. He, in part, produces his evidence, and demands from you process to produce witnesses and to establish the truth of his accusations. You shrink from the truth; you refuse the investigation; you deny the power you possess to bring the testimony before you. One of your body proposes to submit the whole matter to the party accused, and then slanders the conduct of the accuser. It attempts to shield the President from crimination; his conduct from investigation; and that, under a false and libellous pretence that the proof adduced was not fairly obtained. My honorable friend meets that pretence with the promptitude and resolution of conscious purity and honor.

What, then, will you do? Mortified at the contrast here presented; ashamed that, while you are shielding the Executive, his accuser should step boldly forth and demand examination, will you entomb the whole matter under this paltry juggle of inquiry; or, like the council of a great nation, like the grand inquest of a great and high-minded people, disdaining all party views and political subterfuge, resting on the Constitution, and inspired by its pure spirit, will you step boldly forth to vindicate the honor and dignity of your country, and present to this nation and to the world this important subject, stripped of all hypothesis, all ambiguity? This is your only independent, efficient, honorable, and Constitutional course. In no other way can you purify the innocent from suspicions, and cover the guilty with merited infamy.

Mr. SHARP, of Kentucky, again called on gen-

tlemen in opposition to state the manner in which they obtained this letter, and the authority on which their alleged facts rest; and replied to Messrs. STOCKTON and GROSVENOR.

Mr. STOCKTON, in reply to Mr. SHARP, who likened the transaction to a quarrel between individuals, and where the insult had been retracted, remarked that the honorable gentleman from Kentucky (Mr. SHARP) had put to him personally a case of honor in private life, and from the answer he thinks he must receive, draws a conclusion favorable to the conduct of the Government in this transaction with Mr. Turreau. I have a great respect for that gentleman and will answer his interrogatories by putting to him a case more analogous to the one in discussion, in the decision of which I am sure we should not disagree. If a man, entitled to the character of a gentleman, should, to a man of high honor, standing much on his reputation for integrity, send an insolent letter, accusing him of injustice and fraud; making against him unfounded complaints and demands, and threatening him with chastisement if he did not alter his conduct—if that person, instead of breaking off all intercourse with the other, or otherwise resenting the injury and insult, should put the letter quietly into his pocket—if afterwards he should procure a third person to wait on the man who had thus insulted him, and entreat him to take back the letter, lest it might come to the knowledge of his family and interrupt the good understanding subsisting between them—if the writer should receive this message with indifference and contempt, insist that what he had asserted was well considered and true, that he had recorded the letter and distributed copies among his friends, and, therefore, could not and would not take it back—if this letter should have remained with the receiver, unresented, for weeks or months, until some unknown person, for some unknown reason, was permitted by the writer to take it away—if after this the man insulted should draw closer his connexion with the insulter, and hush up the affair, how ought his conduct to be esteemed by men of justice and honor? This is my answer to the gentleman from Kentucky. I hope he is now satisfied.

The question on Mr. HANSON's motion was decided in the negative by yeas and nays, by a majority of 30 or 40 votes.

Mr. GASTON, after expatiating on the value of correct information on the subject of this letter to intelligent legislation on foreign affairs, &c., moved to amend the resolution by striking out from the word "requested," to the end thereof, and insert the following:

"To inform this House whether a letter was transmitted to the Department of State by the Minister of France, addressed to Mr. Robert Smith, Secretary of State, purporting to bear date at Baltimore, June 14, 1809, whereof the following is a translation:

"SIR: The Federal Government is going to settle all its differences with Great Britain, and to make a treaty of amity, of commerce, and of navigation, with that Power. You, as well as Mr. Gallatin, have man-

ifested to me a desire, also, to make a new convention with France, to take the place of that which expires on the 30th of September next.

"I will, for a moment, call to your consideration this double object which the Federal Government proposes to itself, and the difficulties of accomplishing it in a manner advantageous for all the contracting parties. My just deference for your Government, sir, does not permit me to make any observation on the haste with which the Executive has received the first overtures of the English Ministry, yet composed of the same men who very lately discovered a very manifest aversion to every species of conciliation, and who joined to a denial of justice to the Americans, every asperity of forms, of tone, and of style, towards the agents of your Government.

"If I have supposed that this very haste was necessary to satisfy the wishes of the people, of whom foresight is not the first virtue, others may see in that political proceeding, a precipitation, perhaps dangerous; and, if it does not lessen the dignity of the Executive, may, at least, produce consequences prejudicial to the true interests of the Union. It is on these very interests, much more than on those of France, as its enlarged and liberal policy, its principles of universal justice, and the elements of which its power is composed, have placed it beyond all attacks; it is only on the interest of your country that I fix my attention, and invoke your's under a circumstance so delicate.

"My correspondence with your predecessor, is enough to convince you, sir, that I have not left him ignorant of the dangers of the crisis of Europe, and its inevitable effects on the destiny of the States of the American Union. Positive and multiplied information on the events of the other continent, and their probable results, has enabled me sometimes to reach a Power who had proclaimed its contempt for the rights of nations; and, without doubt, the Americans were the people the most interested in the success of that political act. There are, however, American merchants, who, by all the means of the most shameful deception, have endeavored to elude the measures of France, and to second the efforts of the common enemy to escape them, and have, at length, by their multiplied and proven frauds, provoked the more severe dispositions of the decree of Milan. Thus, not only were the measures of France justified as measures of retaliation, but they were indispensable to free the American commerce from the yoke which Great Britain had placed on it; to cause to be respected, in future, the flag of neutrals, and to force that Power to acknowledge the common right of nations, and the dominion of the seas; and the confiscation, the sale, and the burning of some American merchant vessels, having false papers, and navigating, in contempt of the prohibitions of their own Government, to favor the enemies of France, have been legal measures, conformable to the rights of war, and which, the force of circumstances, and the interest of all, imperiously required. But I appeal to you, sir, the Council of Washington, of which you were then also a member, has it given all the necessary attention to the representations made on this subject by M. Champagny to Mr. Armstrong, as well as to those which I considered it my duty to address to the Secretary of State? Has it been possible to make known through the United States, all the advantages which the American people ought to find in the accomplishment of the designs of France; to discuss its projects in the calm of impar-

tiality; to cause the voice of reason and of principle to be heard, when the declamations of error or of bad faith, when the influence of prepossessions and the clamors of party spirit preserved their empire over the public opinion, or, rather, received a new force from the incertitude, or the silence of the [former] ancient Executive Council? That disposition, almost general, to attribute wrongs to France, by way of weakening the outrages of England: was it foreign to the Administration of which I speak? And that Administration, has it always been willing to hear me, while I made it perceive the consequences of the conduct of the Federal Government, in regard to the French Government? Was this Administration well convinced that all Governments are not disposed to forget or to suffer injuries with impunity?

"In recalling to your recollection, sir, the wrongs of the Federal Government towards France, I only mention notorious acts which my former correspondence has established, observing to you, at the same time, that I understand, according to their class, [je comprends dans leur catégorie] the particular offences of your citizens; for every Government is bound, [est solidaire] in regard to other Powers, for the acts of its subjects, otherwise it would not be a Government, and could not offer either security or guarantee for the execution of its agreements.

"Complaints were, for a long time, made to the United States of the delays which some American citizens had experienced in receiving the indemnities which were due to them, and of which the reimbursement was made from a part of the funds destined for the acquisition of Louisiana; but the affair of the heirs of Beaumarchais, who have in vain claimed for twenty-eight years a debt made sacred by his motives, proven to the last degree of evidence, and on which the declared interest of the French Government does not admit of a put-off; is it finished?

"Captain Mouessat, the bearer of a letter of marque, and commandant of an armed schooner, followed an English convoy, and was on the point of taking several merchant vessels, when two American armed brigs, and armed to protect the infamous commerce with St. Domingo, attacked him under the English flag, and not only added treachery to superiority of force, to get possession of the vessel of Mouessat, but, after having pillaged it, massacred a part of the crew an hour after they had struck; and this crime, which remains unpunished, is so much the less forgotten as Captain Mouessat never let go [quitte] his flag. But it would be too tedious to relate to you all the particular acts in relation solely to French citizens; it will be sufficient for me to say to you, that everywhere, where there are Frenchmen, (I do not speak of the small number who have abjured their country,) these Frenchmen will have a right to the protection of the Government, and will be everywhere assured [assurée] of obtaining indemnity for the damage to their persons or to their property.

"There are other grievances, yet more serious, and from which France has a right to believe that the United States has a project of giving her inquietude for her distant possessions, and for that of her allies. This has reference to the free commerce between the Americans and the revolted blacks of St. Domingo, the affair of Miranda, and to the meditated attacks on the Spaniards on the Sabine; an enterprise which would not have been given up, but for the necessity under which your Government found itself of causing

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its troops to fall back to guard New Orleans against an invasion by internal enemies.

"I was far from thinking, sir, that the offence of the commerce with the slaves in the revolted part of St. Domingo—the law of the embargo, confirming the prohibitory law, passed by Congress in 1806. I could not presume that the embargo would be raised, and that the law against this commerce would not be continued. What, sir, the intercourse is prohibited between the United States and all the dependencies of the Empire, under circumstances, when the commercial relations would be the most advantageous to the two States, and you tolerate them only with that one of our possessions where we have the greatest interest to proscribe them! and it is to be remarked, that it is always when France has to combat new coalitions, on the other continent, that it would seem that efforts are made to form enterprises against its possessions, or those of its allies, in this one. It is also proper to place among the number of grievances, with which France has to charge the United States, the want of opposition, or rather the useless opposition, which the Federal Government has made to the impressment of its sailors, seized in contempt of its flag, and with whom the English arm their vessels against us. I have often, sir, and often in vain, protested against this outrage of Great Britain towards your Government, and which has become a serious injury [offence] on the part of your Government, towards France. You furnish personal aid [secours personnels] to our enemies. What could you do more if you were at war with us? Without doubt, it will not escape the present Executive, that an amendment is absolutely necessary to render uniform the treatment which our sailors and soldiers meet with in this country, and that which your sailors and soldiers meet with in France.

"I have not suffered my Court to be ignorant of the abuses, without number, and extremely prejudicial to its interests, daily resulting from a want of police in the United States, in regard to this affair. I am very far, sir, from charging your Government with the means, the most shameful of seduction, which are employed to seduce our sailors and our soldiers to desert; but has it done all that it ought to have done to prevent it? and that extreme facility with which, when they wish it, [au besoin,] men drawn off from their country and their Sovereign, are naturalized. Does it accord with the incontestable right of Governments to recover, even without demanding them, their subjects whom artifice or force has drawn off from their service? and France, sir, has it not given on this subject, as on many others, an example of the reciprocal respect which Governments owe to each other, and which they observe in Europe even in the midst of the horrors of war? And have I not already warned the Executive Council to put an end to these abuses? Have I not warned them that the indemnity due for the loss of the French ship the Impetuous, burnt by the enemy within a cable's length of your coast, ought to be decreed [statuée] and paid without delay? and the subterfuges, (permit me to use the expression, I know no other to convey my idea,) and the subterfuges, I say, which have been employed to delay [ajourner] that indemnity, have made of that act of violence, on the part of our enemies, a direct offence of the United States against France. What more could you do? What more could you leave undone, sir, if you had a treaty of alliance with our enemies?

"You will find it convenient, sir, that I abridge the

enumeration of all the subjects of complaint which the Federal Government has given to France since my residence in the United States, and that I refer to my correspondence with the Department of State.

"I confine myself here to calling the attention, and the attention the most serious, of the Executive Council, to another grievance of the most serious kind. I know not what could more sensibly offend [offenser] the French Empire.

"I commence, sir, by agreeing, that no Government has a right to interfere with the particular or municipal laws of other countries, because it is supposed, with reason, that every Government will so far respect itself, as to circumscribe the effect of these local institutions, and to stop licentiousness, which the feebleness of laws always gives birth to, and the digressions [les écarts] of which may offend Foreign Powers. Can one suppose that it was easy to avoid the just reproaches of Sovereigns for offences of this kind, where the weakness [la vice] of the institutions, and the want of action or of power in the depositaries of political authority, render useless a trial of the means of repression? You have foreseen, sir, that I am about to address you on the indefinite liberty of saying everything, of writing everything, and of printing everything.

"I am very far from believing that the excesses of your press have occupied, for an instant, the thoughts of the Emperor King, my master; but, as it respects this subject, [à cet égard] I am here as the organ of the whole French Empire; and if I do not see, without pain, the ravages [ravages] which the delirium of the insolence of the greater part of your periodical writers occasions among yourselves, you will judge that I do not hear without indignation all that people permit themselves to say or to write against France, her institutions, and the sacred person of her august representative.

"You will see, sir, that on this subject, as on all others, the redress of grievances is an indispensable prerequisite to the formation of a new treaty between the two Powers.

"It was sufficiently painful to me to address you [entretenir] on the complaints of France against the United States, without laying them open to you in the form of an official note. I have thought that a simple letter, the tone of which would approach nearer to that of our conference, would produce the same effect with you, sir, whose liberal principles and loyal character are known to me. I have thought you would be afflicted, as I am, at the obstacles [intraves] which the preceding Administration has been able to place in the way of a hearty reconciliation [à un rapprochement plus intime] between our Governments, and which their mutual interest renders more necessary than ever.

"I have thought, also, that I could even on a subject so serious, [grave] and without deviating from, or with propriety, [sans blâmer les convenances] adopt a mode of communication more analogous to the conformity of our views and our efforts to maintain harmony between France and the United States; and have found here, too, the satisfaction of being able to offer to your sentiments a new tribute of respect.

"Receive, sir, the homage of my high consideration.
"TURREAU."

And whether, if such letter was, transmitted to the Department of State, the same has been withdrawn from its archives, and if so, when and how the same was withdrawn.

H. OF R.

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Mr. PITKIN supported this motion of Mr. GASTON, and warmly entered into a view of the conduct of Government as connected with the contents of that letter, which he considered it important to verify or falsify.

The question on Mr. GASTON'S motion to amend was decided in the negative by yeas and nays—for the amendment 65, against it 96, as follows:

YEAS—Messrs. Baylies, of Massachusetts, Bayly of Virginia, Bigelow, Boyd, Bradbury, Breckenridge, Brigham, Caperton, Champion, Chappell, Cilley, Cooper, Cox, Culpeper, Davenport, Davis of Massachusetts, Dewey, Ely, Gaston, Geddes, Grosvenor, Hale, Hanson, Hufty, Hungerford, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Law, Lovett, Macon, Markell, Miller, Moffit, Montgomery, Mosley, Oakley, Pearson, Pickering, Pitkin, Post, Potter, John Reed, William Reed, Ridgely, Ruggles, Schureman, Sheffey, Sherwood, Shepherd, Smith of New York, Stanford, Stockton, Stuart, Sturges, Taggart, Tallmadge, Thompson, Vose, Ward of Massachusetts, Webster, Wheaton, Wilson of Massachusetts, and Winter.

NAYS—Messrs. Alexander, Alston, Anderson, Archer, Avery, Bard, Barnett Beall, Bowen, Brown, Burwell, Butler, Caldwell, Calhoun, Cheves, Clark, Clopton, Comstock, Conard, Crawford, Creighton, Crouch, Davis of Pennsylvania, Dawson, Denoyelles, Desha, Duvall, Earle, Eppes, Evans, Farrow, Findley, Fisk of Vermont, Fisk of New York, Forney, Forsyth, Franklin, Gholson, Glasgow, Gourdin, Griffin, Grundy, Hall, Harris, Hasbrouck, Hawes, Hubbard, Humphreys, Ingersoll, Ingham, Irwin, Jackson of Virginia, Johnson of Virginia, Kennedy, Kent of Maryland, Kerr, Kershaw, Kilbourn, Lellerts, Lowndes, Lyle, McCoy, McKee, McKim, McLean, Moore, Murfree, Nelson, Newton, Parker, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ringgold, Roane, Roberts, Robertson, Sage, Seybert, Sharp, Skinner, Smith of Virginia, Strong, Tannehill, Taylor, Telfair, Troup, Udree, Ward of New Jersey, Whitehill, Wilson of Penn., Wright, and Yancey.

The question was then taken upon the resolution as originally proposed, by Mr. ROBERTS, and passed in the affirmative, by a large majority.

Mr. ROBERTS and Mr. MOSELEY were appointed a committee to present the said resolution to the President of the United States.

A motion was made, by Mr. JACKSON, of Virginia, that the House do reconsider their vote on the passage of the resolution as proposed by Mr. ROBERTS; on which the House adjourned.

THURSDAY, January 13.

The House resumed the consideration of the unfinished business, to wit: the motion of Mr. JACKSON, of Virginia, to reconsider the vote agreeing to the resolution submitted by Mr. ROBERTS; whereupon, Mr. JACKSON withdrew his said motion.

The following resolution was submitted by Mr. BEALL:

Resolved, That a committee be appointed to inquire into the expediency of providing, by law, for adjusting and satisfying claims of citizens of the State of Ohio,

arising from articles impressed, and supplies furnished detachments of militia ordered into public service by the authority of the said State, from the commencement of the present war.

The resolution was read, and, on the question that the House do now proceed to consider the same, it was determined in the negative.

Mr. CALHOUN, after observing that, as the President had informed the House the Russian mediation was at an end, there could be no objection to calling for papers relative to it, offered a resolution to the following effect:

Resolved, That the President of the United States be requested to lay before the House such documents in relation to the Russian mediation as, in his opinion, it may not be inexpedient to communicate.

The motion was agreed to, *nem con.*, and a committee appointed to present it to the President.

ENCOURAGEMENT OF ENLISTMENTS.

On motion of Mr. TROUP, the House resolved itself into a Committee of the Whole, on the following bill:

A bill making further provision for filling of the ranks of the regular army, encouraging enlistments, and authorizing the re-enlistments for longer periods of men whose terms of service are about to expire:

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, in order to complete the present Military Establishment to the full number authorized by law, with the greatest possible despatch, there shall be paid to each effective, able-bodied man, in lieu of the bounty at present established by law, who shall be duly enlisted into the service of the United States, after the — day of — next, to serve for the term of five years, or during the war, at his election, a bounty of one hundred dollars; twenty-five dollars to be paid on the enlistment of the recruit; twenty-five dollars when he shall be mustered and have joined some military corps; and fifty dollars at the expiration of his term of service, or when he shall be entitled to his discharge, and shall moreover be entitled to the bounty of three hundred and twenty acres of land, as heretofore established by law.

SEC. 2. That every non-commissioned officer, soldier, or other person, who shall recruit an able-bodied man for the service, shall be entitled to receive, for every effective, able-bodied man, recruited by him after the — day of — next, for the term of five years, or during the war, and mustered, and between the ages of eighteen and forty-five years, the sum of eight dollars: *Provided, nevertheless*, That this regulation, so far as respects the age of the recruit, shall not extend to musicians, or to those soldiers who may re-enlist into the service.

SEC. 3. That from and after the — day of —, one thousand eight hundred and fourteen, the monthly pay of the non-commissioned officers, musicians, privates, drivers, bombardiers, matrosses, sappers, miners, artificers, saddlers, farriers, and blacksmiths, who have enlisted, or shall hereafter enlist in the service of the United States, shall, during the continuance of the war between the United States of America and their territories, and the United Kingdom of Great Britain and Ireland, and the dependencies thereof, be as follows, viz: to each serjeant-major and quartermaster's

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sergeant, fourteen dollars; to each sergeant and principal musician, thirteen dollars; to each corporal, twelve dollars; to each musician, eleven dollars; to each private, driver, bombardier, matross, sapper, and miner, ten dollars; to each artificer, saddler, farrier, and blacksmith, not attached to the quartermaster general's and ordnance departments, fifteen dollars.

Sec. 4. That every non-commissioned officer, musician, and private, who has been recruited in the regular army of the United States, under the authority of the act of the eighth April, 1812, entitled, &c., may be re-enlisted for the term of five years, or during the war; and that every non-commissioned officer, musician, and private, recruited under authority of the act of twenty-ninth January, 1813, entitled, &c., may be re-enlisted for five years, or during the war.

Sec. 5. That the non-commissioned officers, musicians, and privates, re-enlisted under the authority of the preceding section, shall be entitled to the bounty allowed by this act to recruits for five years or for the war.

Mr. TROUP, of Georgia, explained at length the views of the Military Committee in reporting the bill. The necessity of the vigorous prosecution of the war, and the consequent necessity of filling the ranks, were among the points which he enforced most strongly. Among the various plans offering themselves to accomplish this latter object, the committee had selected a system which to them appeared the best, but which was of course subject to the judgment of the House. He took occasion to observe, that though the Military Committee had received information of the actual state and strength of our army, it did not appear proper to state it in the House, as publicity, by informing the enemy of our military strength, would prejudice the public service.

Mr. PEARSON, of North Carolina, recognised the propriety of not making public the actual amount of our military force; but, deeming it essential to be informed of it, moved that the Committee of the Whole rise, in order to have the galleries cleared, that the gentleman might communicate the information he possessed, for the benefit of the House.

Mr. PITKIN, of Connecticut, supported the motion of Mr. PEARSON, from a desire of having that information before the House which he deemed necessary to intelligent legislation on the subject before them.

Mr. WRIGHT, of Maryland, opposed the motion on the ground of the extreme difficulty, if not impossibility, of keeping secret any matters transacted within closed doors. Whatever the reduction of numbers in our army, he had no doubt it had been equally great in that of the enemy, and quoted a paper in his hand to show that a single regiment of the enemy had been reduced, in the last campaign, from one thousand one hundred to three hundred men.

Mr. RUEA, of Tennessee, opposed the motion for the rising of the Committee. For his part he had no objection that the whole nation should know the actual state of the Army.

Mr. PEARSON's motion was negatived, 57 only rising in the affirmative.

Mr. FARROW, of South Carolina, opposed the manner in which the bounty to be given was to be divided between different periods of payment, and suggested an amendment, having for its object to pay a greater portion of the bounty in advance; which he subsequently withdrew to make room for an amendment proposed by Mr. LOWNDES.

Mr. COMSTOCK, of New York, expressed his conviction of the vital necessity of a vigorous prosecution of the war. True economy, he believed, dictated the offer of liberal pecuniary inducements to secure the necessary enlistments. He was, therefore, in favor of this bill; but he was not able to discover that the fifty dollars, to be paid at the expiration of the term of service, would not offer quite as great an inducement to the recruit as if the whole amount of bounty were given him on his entering the service.

Mr. LOWNDES, of South Carolina, in rising to propose a change in the species of inducement held forth to enlistment, entered into an argument to show that a present bounty would in all cases be found to possess advantages over a prospective one. The conversation he had held with every military man to whom he had mentioned the subject, confirmed him in the opinion that an increase of pay would have much less effect in procuring enlistments than a comparatively small amount advanced by way of bounty. He proposed to retain the pay at its present rate, and increase the bounty to one hundred and twenty-four dollars. The expenditure of the Government, if the war lasted only one year longer, would not be greater than as proposed by the bill; while, if it continued five years, it would be much less, at the same time that it would hold out greater inducements to enlistments. This position Mr. L. supported by a variety of statements, and concluded by moving an amendment to the bill, going to attain his object, which was afterwards modified on the suggestion of Mr. INGERSOLL, of Pennsylvania, so as to make the whole bounty one hundred and twenty-four dollars; fifty on enlistment, fifty on joining the regiment, and twenty-four on the expiration of the term of service.

Mr. CALHOUN, of South Carolina, enforced the propriety of the amendment proposed by his colleague, which, while it afforded stronger inducements to every class of the community, would be less oppressive on the community generally, because it would require less expense to meet it. An increase of pay, he added, generally produced disorders in camp, and introduced habits of licentiousness and intemperance. He was, therefore, averse to increasing the pay as proposed by the bill.

Mr. COMSTOCK was opposed to the amendment. As to the objection that increased pay would produce increased licentiousness in camp, he was of opinion that increased bounty, as proposed, would be much more likely to produce that effect.

Mr. TROUP conceived it not very material whether the proposed amendment took place or not; but it ought to be taken into consideration,

in estimating the opinion of military men, that the description of persons who form European armies, and armies in general, were very different from the description of patriotic soldiers who might be expected to compose the land levies of the United States.

Mr. LOWNDES acknowledged the justice of the remark of Mr. COMSTOCK; but the evil he had supposed was inseparable from all enlistments on which a bounty must be given. An additional increase of pay, he added, must be extended to militia also; and, considering the great number that might be called into service, this would be no inconsiderable objection.

Mr. L.'s amendment was agreed to—yeas 85.

The blank in the second section was, on motion of Mr. TROUP, filled with the first day of February.

Mr. WEBSTER moved to strike out of the section allowing to the recruiting officer, or other person, eight dollars, for each recruit, the words "or other person."

Mr. KING, of Massachusetts, spoke in an energetic manner against this provision in the bill. He deprecated the injurious effects it might produce. Mercenary men, he said, might be induced by this premium to offer their sons as sacrifices on the altar of their country; and even an army of slaves might be thus collected, for aught we know, from places where, as in this neighborhood, there might be as many slaves as freemen. This, said Mr. K., is not the way to raise an army. Address yourself to the patriotism of the people; convince them that your cause is just, that the war is rightful, and they will flock by thousands to your standard. Until then, double, triple your offers—none but men without principle will enlist in your army. It had been said that these high premiums were necessary to induce the farmers' sons to join the Army. So then, Mr. K. said, it seemed that these inducements were to be addressed to those who pay all and fight all. Why not enlarge the bounty so as to make it an inducement to gentlemen's sons also? Why are the farmers to bear all the burdens of the community?

Mr. WRIGHT, of Maryland, said, that the gentleman just sat down appeared to think that farmers were not gentlemen. Now, said Mr. W., in his country the farmers were gentlemen; and he would be glad if the gentleman would draw the line of distinction between a farmer and a gentleman. He should be glad to see a "gentleman" analyzed. Mr. W. was opposed to striking out these words in the bill as proposed. When every effort was used by the minority to defeat the recruiting service, there ought to be a counter *projet* on the part of Government. But the gentleman had said, that with all their inducements the Government would not get any men of principle to enter the Army. If to defend your country, when menaced and invaded by the savage tomahawk and scalping knife, and still more savage prompters of the tawny enemy, be a dereliction of principle, Mr. W. hoped he should always be found wanting of such principle. In

this Capitol, dedicated to liberty, acquired by the toils of the Revolution, should such abominable doctrines be heard, so contrary to its principles? When it was all-important to promote the recruiting service, such treasonable sentiments ought to be countervailed. Mr. W. adverted to the opposition which had been made to the lending money to the Government, and to the recruiting service, which he strongly censured. It might be a love of country, he said, which had given rise to the predictions which had been heard to-day, as well as heretofore, of the failure of loans; but was not a love of the American empire. Look at a neighboring State, said Mr. W., and see the farmers and farmers' sons marching in defence of their country, and finally capturing an army of the enemy? Did they want principle? They were farmers, and gentlemen, too. Mr. W. defined a gentleman to be a man who did not eat idle bread—who engaged in arts or sciences, cultivating the soil, or in the service of his country. Whilst our frontier was wrapped in flames, and females flying before a savage enemy, he had never expected to hear it said in this House, that it was an unprincipled thing for any man in this country to become a soldier. What could be more discouraging to enlistments than to be told that it was an unprincipled act to become a soldier? Mr. W. said, if he were on a jury to try a man for dissuading another to enlist, he should pronounce him a culprit who should assert that a man violated principle by enlisting.

Mr. WEBSTER said he was actuated by no ill will to the bill in proposing this amendment. He believed it unnecessary, and that it would be productive of much inconvenience. The Army being part of the country, he was desirous to see every man who joined it enter it freely and without the use of unusual means to induce him thereto.

Mr. KING said it was not his wish to impede the recruiting service, or throw any obstacle in the way of it. Far from it. A responsibility, a deep responsibility, certainly rested with those who commenced the war, and every fair and honorable means they could take ought to be allowed them to carry on their war. Gentlemen are accused, said he, of departing from those principles which actuated our forefathers, because they oppose the measures now proposed. I ask the gentleman from Maryland, who have in fact departed from them? Who are acting over again the former tyranny of the British Government against this people? Who are cutting off our commerce, and depriving us of our accustomed modes of industry and supporting our families? Against that tyranny we did defend ourselves in time of old, and we shall have no difficulty, when attempted, of again doing the same.

Mr. TAYLOR, of New York, expressed his satisfaction at finding the House at last engaged in the important business of the session. With deep regret, he said, he had heard and was compelled to protest against the doctrines just advanced. Are we to be told, said he, that the Congress of the United States are now acting over again the

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tyranny we experienced in former days from the British Government? Is this the deliberate and honest opinion of any man in the nation? Can there be a man who believes the conduct of this Government, in regard to the destruction of commerce, to have been regulated with a view to the destruction of commerce? Who does not know that every attempt has been made to free commerce from the shackles of a tyrannical foreign Power? No man who honestly speaks the dictates of his heart but must acknowledge this fact. There have been instances where, to preserve a city, it has been necessary to tear down a house—an injury to an individual of a small and temporary nature, that became necessary to preserve a whole city from ruin. A necessary stop has thus been temporarily put to commercial transactions, not for the purpose of destroying commerce, or injuring that important interest, but for preserving the commercial rights of this nation, not only for the present but for future ages. And are we to be told, sir, that our object is to destroy commerce? And is it to be intimated, that the same spirit that was formerly exercised in opposing the tyranny of the British Government is now to be exercised in opposing the tyranny of this Congress in a certain part of the Union? I have heard a rumor, that a spirit of rebellion against the laws has discovered itself in a certain part of the country. I do not believe it; it is a slander on the good men of that section of the country. But if it be true that there is such a spirit pervading any portion of the country, there is not a district of it but has a physical power within itself of good and true men who will support the Constitution, the constituted authorities, and the laws constitutionally passed. It would be a slander on any portion of the country to express a different sentiment in relation to it. Mr. T. proceeded to remark on the amendment under consideration, and replied to some other remarks of Mr. KING, particularly on the difference between them, on the merit of sacrifices on the altar of one's country, &c. Mr. T. said, for the purpose of waging a decisive war, he, for one, should have no objection to enlist young men above eighteen into the Army, with or without the consent of their parents or guardians. The question of carrying on the war, at this moment, he conceived to be different from the question of originally embarking in it; and he was of opinion that an universal sentiment must now pervade all reflecting minds of the necessity of carrying on the war till an honorable peace was obtained.

Mr. KING explained his observation respecting a father's mercenarily offering his sons on the altar of his country. Such conduct would be mercenary, if induced by the temptation held out in this bill, and that was all he meant by the term mercenary. In relation to the general subject, as to the necessity of the war, he had forborne all observation. The subject, he thanked God, had been amply discussed, and the people well understood it. The necessity of continuing it was a distinct question, which he was ready to discuss on a proper occasion. As to the miseries

of the country, the conflagration and devastation of the frontier—to whom are the defenceless inhabitants of that frontier indebted for these calamities? He appealed to honorable men for the answer. It is to the Government, said he; for, unprepared, you plunged the nation into a war, from the disastrous effects of which you cannot protect your citizens—and on your own head be the disgrace and the responsibility.

Mr. FISK, of Vermont, was opposed to the amendment, because he was desirous, by all the means in the power of Congress, to interest in all ways the feelings of men to enlist in the war. In the East, said he, it is well known by the gentleman who has last spoken, that, by some means or other, by some arts or other, great interest has been excited against the recruiting service. No sooner is a young man asked to enlist, than you will see ten or a dozen around him dissuading him from doing so. The discouragement is the same to lending money, as to enlistment. I cannot say whence this interest arises; but I believe, if you could open the secret archives of the enemy, you would find that money has a little influence somewhere; and I am willing it shall now have the same influence for good purposes as it has had for bad ones. The gentleman from Massachusetts says the war is unjust, and men of principle will not enlist. The war of the Revolution—was that unjust? No, sir; and yet, just and honorable as that was, were not the old Congress obliged to give as much as three or four hundred dollars bounty to recruits for three years' service? I myself have known men who received four hundred dollars in that way in those days. It is idle to ask a man to sacrifice the prime of his life for nothing—it is as patriotic in the Government to pay him well, as it is for him to serve his country. The things we have heard to-day are not new; they are as old as the Revolutionary war. Then the war was declared unjust and wicked—the judgments of Heaven were invoked against those who undertook to defend it. How is it now? Much the same—the war is wicked, unjust, murderous. What were then the causes of the war? The tyrannies of Britain. What are the causes of the present war? The same. On whom, it has been asked, are the misery and disaster of this war to be charged? Sir, I will tell you. They are to be charged to those who have weakened the arms of their country; who have divided the opinions of the people; who have refused to defend the rights of their country. If that American feeling had prevailed everywhere which ought to animate the bosoms of every man, we should never have had occasion to go to war. Look at history. In proportion as she found encouragement, Britain has had her Henrys going through the country, inquiring when, by whom, and how, the spirit of opposition is cherished. These things are on record, and the time must come when they will be justly estimated. But for the Opposition, we should never have been at war. And what is its object? what is the secret of its violence? To drive those out of power who are in—and everything tends

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to that object. The loan was filled in spite of the opposition to it, though at a higher rate than necessary. But it is the motives and measures I have described, which have created the *blue lights*; that have butchered women and children, and set your houses in flames on the frontier. Where these things will end I know not, unless it be in *one thing*.

Mr. TROUP expressed his astonishment and regret at the sentiments advanced by the gentleman from Massachusetts. It was certainly true, as stated by the gentleman from Vermont, that, in the former war, when the British laid waste our frontiers, and, in another quarter, made an advance into the country, it was said by the Tories of the Revolution, "these calamities were brought on you by yourselves;" that the war in which we were then engaged was an unjust war, &c. These facts were recorded in the history of the country by the pen of a gentleman of the same party as the gentleman from Massachusetts himself. Mr. T. went on, and opposed the amendment.

Mr. PICKERING supported the amendment, because, if it passed, all the money spent under it would be money thrown away, because unnecessarily expended.

The motion to amend was negatived.

On motion of Mr. LOWNDES, the third section was stricken out altogether.

The Committee rose and reported this bill as amended; and, after some desultory discussion, the several amendments made in Committee were adopted by the House, by yeas and nays.

Mr. WEBSTER renewed his former motion, which was again rejected.

Mr. KING, of Massachusetts, moved to amend the bill, so as that, if killed in the discharge of his duty, the money due to a recruit at the expiration of the term of his service, should be paid to his immediate relative.—Agreed to.

Mr. K. took occasion to observe, that he had been misunderstood as to his ideas of the relative character of farmers' sons and gentlemen. In regard to our young farmers and farmers' sons, said he, I consider them as much superior to what are frequently called gentlemen, as the meridian sun is to the basest reptiles that bask in its rays.

No further amendment being offered, the bill was ordered to be engrossed for a third reading to-morrow.

FRIDAY, January 14.

A message from the Senate informed the House that the Senate have passed a bill "for the relief of Isaac Clason;" in which they desire the concurrence of this House.

On motion of Mr. McKIM,

Resolved, That the Secretary of the Treasury be required to lay before this House a digest of American manufactures, heretofore ordered to be made out under his direction, if the same be prepared, and to report the progress made in this work, if not ready for delivery.

On motion of Mr. BEALL, the House proceeded to consider the resolution submitted by him yesterday, and the same being again read, was agreed to by the House, amended to read as follows:

Resolved, That the Committee of Claims be instructed to inquire into the expediency of providing, by law, for the adjusting and satisfying claims of citizens of the United States, arising from articles impressed, and supplies furnished detachments of militia ordered into public service by the authority of any State or Territorial Government, from the commencement of the present war.

On motion of Mr. JACKSON, of Virginia,

Resolved, That the Committee on the Judiciary be, and they are hereby, instructed to inquire whether it be not required by the Constitution of the United States to extend the jurisdiction of the courts of the United States to cases not provided for by law; and, also, into the expediency of such extension.

On motion of Mr. SHERWOOD, the Committee upon the Judiciary were instructed to inquire into the amount of fees and perquisites of the office of District Attorney in the District of New York, and to provide by law for proportioning the emoluments of the office to its duties.

A Message was received from the President of the United States transmitting an account of the contingent expenses of the Government for the year 1813.

THE MILITIA.

Mr. TAYLOR, from the committee on that part of the President's Message which relates to a revision of the militia system, made a report on the resolution instructing them to inquire into the expediency of altering the tour of militia duty to three months; which was read, and the resolution therein contained was concurred in by the House. The report is as follows:

That, by the 4th section of the act to provide for calling forth the militia to suppress insurrections and repel invasions, &c., passed February 28, 1795, the service of the militia is limited to a term not exceeding three months in any one year, after their arrival at the place of rendezvous. By the third section of the act to authorize a detachment from the militia of the United States, passed April 10, 1812, the militia may be compelled to serve not exceeding six months. The last mentioned act will have expired at the end of two years from its passage. These are the only acts in force to authorize calling out the militia into actual service. When such call is made under the act of 1795, to repel either actual or threatened invasion, the service is limited to the term contemplated by the resolution. But, in case a detachment is required for more distant service, the term of three months would often be inadequate to effect any valuable purpose. The committee, therefore, submit the following resolution:

Resolved, That it is inexpedient to limit the service of the militia called out under the authority of the United States to a term not exceeding three months.

COASTING TRADE.

Mr. KING, of Massachusetts, rose to submit some resolutions, on a subject which he deemed of great importance—he meant the commerce of

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our country, if that could indeed be deemed important now. Whatever the impressions of this House or of the Government may be on the subject of commerce, still it is and will continue to be dear to a great majority of the American people. They will cling to the wreck of it while a spar or the flag remains above the water. Even the Navy which bears that flag would lose its value and importance if we had no commerce to protect—and that Navy, encircled as it is with glory, it was impossible to call to recollection, without emotions, which he feelingly described. It was important, Mr. K. said, that we should know and accurately define the extent of our Constitutional powers in relation to commerce, in every point of view. In peace we look to Commerce for the whole of our revenue; in war attempts are made to fight our enemy through its agency. In this way, and by your restrictive measures, said he, commerce has been reduced from its proud elevation to a pitiful remnant; and you have lately passed a law sweeping that remnant from the ocean; and all this has been done under the Constitutional power given to this Government for regulating commerce! You act like bungling mechanics, in whose hands delicate machines are intrusted—and who stop their motion in attempting to mend them. I know the plea urged is, that because Congress have the power to declare war, and to raise and support armies, they have a right to oppress commerce, by way of making it an instrument of war. Mr. KING's idea of the powers of Congress was this: that the power to regulate commerce was a co-ordinate and independent branch of power, equally with other powers granted under the Constitution. He never could for a moment conceive, where one power is granted, that under that power another independent power was to be exercised. Besides, Mr. K. said, he did extremely doubt the efficacy of these measures regulating commerce. The Government had endeavored to make the commerce of the country what was called an efficient belligerent weapon. It was a weapon, he said, of that kind, the recoil of which on the citizen was infinitely more destructive than the projectile force on the enemy. You may prevent a few of the fleet of the enemy from being supplied; but you arrest or cramp the industry of thousands of our own citizens by the measure, which thus becomes infinitely more mischievous than beneficial. Besides, said he, why select the commerce of your own country, why oppress your merchants, in waging your restrictive war on the enemy? The answer will doubtless be, that through their means he may, with great facility, receive his supplies. But why not at once lay the axe to the root of the tree? Why not go to the farmer and tell him that he shall not plough, nor sow, nor reap, because if he does the enemy may be supplied by the product of his industry? Such language might be held with the same propriety to the farmer as that they now held to the merchant. The former would tell you those were rights which he received by a heavenly charter: that so long as the earth re-

mained, seed time and harvest should not cease. Suppose a law were to be passed, that no wagon should travel on the highway. In thirty days he believed the Capitol would be surrounded by ten thousand of those wagoners, who would endeavor to force a respect for their rights. Mr. K. said, it did appear to him that the Congress and Government had departed from those principles which were dear to and cherished by our ancestors. He would recall the minds of members back to that remote, but memorable period, the Declaration of Independence.

[The SPEAKER here called upon Mr. KING to state his motion, that it might be ascertained whether his remarks were strictly applicable to the question he was about to raise.]

Mr. KING submitted to the decision of the Chair. He had nearly finished his prefatory remarks; and had only intended to recall the recollection of one fact, viz: the passage of what was called the Boston Port Bill, passed sometime in 1774, by which the port of Boston was closed. He merely meant to have compared it with the bill recently passed by this House, by which all the ports of the United States were closed. And, with this remark, he offered the following resolutions for consideration:

1. *Resolved*, That the Constitutional powers of Congress do not extend to the suspension or interdiction of the coasting trade of the United States of America, from a district in one State to a district in the same State.

2. *Resolved*, That the Constitutional powers of Congress do not extend to a suspension or interdiction of the coasting trade of the United States of America, from a district in one State to a district in the same State, or an adjoining State on the seacoast, or on a navigable river: Therefore,

3. *Resolved*, That the Committee on Foreign Relations be, and they are hereby, instructed to bring in a bill to repeal so much of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, passed on the 17th day of December, A. D. 1813, as suspends or interdicts the coasting trade of the United States of America, from a district in one State to a district in the same State, or an adjoining State on the seacoast, or on a navigable river.

And the question being taken that the House do now consider the said resolutions, it was determined in the negative—yeas 64, nays 95, as follows:

YEAS—Messrs. Alston, Baylies of Massachusetts, Bigelow, Boyd, Bradbury, Breckenridge, Brigham, Caperton, Champion, Cilley, Cooper, Cox, Culpeper, Davenport, Davis of Massachusetts, Ely, Franklin, Gaston, Geddes, Grosvenor, Hanson, Hufty, Hungerford, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Law, Lewis, Lovett, Macon, Markell, Miller, Moffitt, Moseley, Oakley, Pearson, Pickering, Pitkin, Post, Potter, John Reed, William Reed, Richardson, Ridgely, Ruggles, Schureman, Sheffield, Sherwood, Shipperd, Smith of New York, Stanford, Stockton, Stuart, Sturges, Taggart, Tallmadge, Thompson, Vose, Ward of Massachusetts, Wheaton, Wilcox, Wilson of Massachusetts, Winter, and Wood.

NAYS—Messrs. Alexander, Anderson, Archer, Bard, Barnett, Beall, Bowen, Bradley, Brown, Burwell, But-

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ler, Caldwell, Calhoun, Chappel, Cheves, Clark, Clopton, Comstock, Conard, Crawford, Creighton, Crouch, Davis of Pennsylvania, Dawson, Denoyelles, Desha, Duvall, Earle, Eppes, Evans, Farrow, Findley, Fisk of Vermont, Fisk of New York, Forney, Forsyth, Gholson, Glasgow, Griffin, Grundy, Hall, Harris, Hasbrouck, Hawes, Hubbard, Humphreys, Ingersoll, Irwin, Jackson of Virginia, Johnson of Virginia, Kennedy, Kerr, Kilbourn, King of North Carolina, Leferts, Lowndes, Lyle, McCoy, McKee, McKim, McLean, Montgomery, Moore, Murfree, Nelson, Newton, Ormsby, Parker, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ringgold, Roane, Roberts, Robertson, Sage, Sevier, Seybert, Sharp, Smith of Pennsylvania, Smith of Virginia, Strong, Tannehill, Taylor, Telfair, Troup, Udree, Ward of New Jersey, Whitehill, Wilson of Pennsylvania, Wright, and Yancey.

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The engrossed bill, encouraging enlistments, &c., was read a third time.

Mr. SHEFFEY offered the following new section by way of rider to the bill :

And be it further enacted, That the troops which shall be enlisted by virtue of this act, shall be limited, as to service, to the defence of the territory and frontiers of the United States, or such part thereof as the President may elect and determine.

After some objections on the question of order as to the admission of a rider to a bill, being contrary to practice, and a discussion on the principle of the proposed rider, the question on its passage to a second reading was decided in the negative: For Mr. SHEFFEY's motion 54, against it 103, as follows:

YEAS—Messrs. Baylies of Massachusetts, Bigelow, Boyd, Bradbury, Breckenridge, Brigham, Caperton, Cilley, Cooper, Cox, Culpeper, Davenport, Davis of Massachusetts, Dewey, Ely, Gaston, Geddes, Grosvenor, Hale, Hanson, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Lewis, Lovett, Markell, Miller, Moffit, Moseley, Pearson, Pickering, Pitkin, Post, Potter, William Reed, Ridgely, Ruggles, Schureman, Sheffey, Sherwood, Shipper, Smith of New York, Stanford, Stockton, Stuart, Sturges, Tallmadge, Thompson, Vose, Ward of Massachusetts, Webster, Wheaton, Wilcox, and Wilson of Massachusetts.

NAYS—Messrs. Alexander, Alston, Anderson, Archer, Avery, Barnett, Beall, Bowen, Bradley, Brown, Burwell, Butler, Caldwell, Calhoun, Chappell, Cheves, Clark, Clopton, Comstock, Conard, Crawford, Creighton, Crouch, Davis of Pennsylvania, Dawson, Denoyelles, Desha, Duvall, Earle, Eppes, Evans, Farrow, Findley, Fisk of New York, Forney, Forsyth, Franklin, Gholson, Glasgow, Gourdin, Griffin, Grundy, Hall, Harris, Hasbrouck, Hawes, Hubbard, Humphreys, Hungerford, Ingersoll, Irwin, Jackson of Virginia, Johnson of Virginia, Kennedy, Kent of Maryland, Kerr, Kershaw, Kilbourn, King of North Carolina, Leferts, Lowndes, Lyle, Macon, McCoy, McKee, McKim, McLean, Montgomery, Moore, Nelson, Newton, Ormsby, Parker, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Richardson, Ringgold, Roane, Roberts, Robertson, Sage, Sevier, Seybert, Sharp, Skinner, Smith of Pennsylvania, Smith of Virginia, Strong, Tannehill, Taylor, Telfair, Troup, Udree, Ward of New Jersey, Whitehill, Wilson of Pennsylvania, Wood, Wright, and Yancey.

The bill was then put on its final passage; when Mr. WEBSTER rose, and addressed the Chair as follows:

Mr. Speaker, it was not my intention to offer myself to your notice on this question. I have changed my purpose only in consequence of the course which the debate took yesterday, on an amendment proposed by me to one of the subordinate provisions of this bill. The observations to which that occasion gave rise, have induced me to prefer assigning my own reasons for my own vote, rather than trust to the justice or charity of the times to assign reasons for me.

The design of this bill is to encourage, by means of a very extraordinary bounty, enlistments into the regular army. Laws already existing, and other bills now in progress before the House, provide for the organization of an army of sixty-three thousand men. For the purpose of filling the ranks of that army, the bill before us proposes to give to each recruit a bounty of one hundred and twenty-four dollars, and three hundred and twenty acres of land. It offers also a premium of eight dollars to every person, in or out of the army, citizen or soldier, who shall procure an able-bodied man to be enlisted.

Before, sir, I can determine for myself whether so great a military force should be raised, and at so great an expense, I am bound to inquire into the object to which that force is to be applied. If the public exigency shall in my judgment demand it; if any object connected with the protection of the country, and the safety of its citizens, shall require it; and if I shall see reasonable ground to believe that the force, when raised, will be applied to meet that exigency, and yield that protection, I shall not be restrained by any considerations of expense from giving my support to the measure. I am aware that the country needs defence, and I am anxious that defence should be provided for it to the fullest extent, and in the promptest manner. But what is the object of this bill? To what service is this army destined, when its ranks shall be filled? We are told, sir, that the frontier is invaded, and that troops are wanted to repel that invasion. It is too true that the frontier is invaded—that the war, with all its horrors, ordinary and extraordinary, is brought within our own territories—and that the inhabitants near the country of the enemy are compelled to fly, lighted by the fires of their own houses, or stay and meet the foe, unprotected by any adequate aid of Government. But show me that by any vote of mine, or any effort of mine, I can contribute to the relief of such distress; show me that the purpose of Government, in this measure, is to provide defence for the frontiers. I aver I see no evidence of any such intention. I have no assurance that this army will be applied to any such object. There are, as was said by my honorable friend from New York, (Mr. GROSVENOR,) strong reasons to infer the contrary, from the fact that the forces hitherto raised have not been so applied, in any suitable or sufficient proportion. The defence of our own territory seems hitherto to have been regarded as an object of

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secondary importance—a duty of a lower order than the invasion of the enemy. The army raised last year was competent to defend the frontier. To that purpose Government did not see fit to apply it. It was not competent, as the event proved, to invade with success the provinces of the enemy. To that purpose, however, it was applied. The substantial benefit which might have been obtained, and ought to have been obtained, was sacrificed to a scheme of conquest, in my opinion a wild one, commenced without means, prosecuted without plan or concert, and ending in disgrace. Nor is it the inland frontier only that has been left defenceless. The seacoast has been, in many places, wholly exposed. Give me leave to state one instance: the mouth of one of the largest rivers in the eastern section of the Union is defended by a fort mounting fourteen guns; this fort, for a great part of the last season, was holden by one man and one boy only. I state the fact on the authority of an honorable gentleman of this House. Other cases, almost equally flagrant, are known to have existed, in some of which interests of a peculiar character and great magnitude have been at stake. With this knowledge of the past, I must have evidence of some change in the purposes of the Administration before I can vote for this bill, under an expectation that protection will thereby be afforded to either frontier of the Union. Of such change there is no intimation. On the contrary, gentlemen tell us explicitly that the acquisition of Canada is still deemed to be an essential object, and the vote of the House within the last half hour has put the matter beyond doubt. An honorable gentleman from Virginia (Mr. SHEFFEY) has proposed an amendment to the bill, limiting the service of the troops to be raised by its provisions, to objects of defence. To the bill thus amended he offered his support, and would have been cheerfully followed by his friends. The amendment was rejected. It is certain, therefore, that the real object of this proposition to increase the military force to an extraordinary degree, by extraordinary means, is to act over again the scenes of the two last campaigns. To that object I cannot lend my support—I am already satisfied with the exhibition. Give me leave to say, sir, that the tone on the subject of the conquest of Canada seems to be not a little changed.

Before the war, that conquest was represented to be quite an easy affair. The valiant spirits who meditated it were only fearful lest it should be too easy to be glorious. They had no apprehension, except that resistance would not be so powerful as to render the victory splendid. These confident expectations were, however, accompanied with a commendable spirit of moderation, the true mark of great minds, and it was gravely said that we ought not to make too large a grasp for dominion, but to stop in our march of conquest northward, somewhere about the line of perpetual congelation, and leave to our enemies or others the residue of the continent to the pole.

How happens it, sir, that this country, so easy of acquisition, and over which, according to the

prophecies, we were to have been by this time legislating, dividing it into States and Territories, is not yet ours? Nay, sir, how happens it that we are not even free of invasion ourselves; but gentlemen here call on us, by all the motives of patriotism, to assist in the defence of our own soil, and portray before us the state of the frontier, by frequent and animated allusion to all those topics which the modes of Indian warfare usually suggest?

This, sir, is not what we were promised. This is not the entertainment to which we were invited. This is no fulfilment of those predictions which it was deemed obstinacy itself not to believe. This is not the harvest of greatness and glory, the seeds of which were supposed to be sown with the declaration of war.

When we ask, sir, for the causes of these disappointments, we are told that they are owing to the opposition which the war encounters in this House and among the people. All the evils which afflict the country are imputed to Opposition. This is the fashionable doctrine, both here and elsewhere. It is said to be owing to opposition that war became necessary; and owing to opposition, also, that it has been prosecuted with no better success.

This, sir, is no new strain. It has been sung a thousand times; it is the constant tune of every weak or wicked Administration. What Minister ever yet acknowledged that the evils which fell on his country were the necessary consequences of his own incapacity, his own folly, or his own corruption? What possessor of political power ever yet failed to charge the mischiefs resulting from his own measures, upon those who had uniformly opposed those measures? The people of the United States may well remember the administration of Lord North. He lost America to his country. Yet he could find pretences of throwing the odium upon his opponents. He could throw it upon those who had forewarned him of the consequences from the first, and who had opposed him, at every stage of his disastrous policy, with all the force of truth, and reason, and talent. It was not his own weakness, his own ambition, his own love of arbitrary power, which disaffected the Colonies. It was not the Tea act, the Stamp act, or the Boston Port bill, that severed the empire of Great Britain. Oh, no! It was owing to no fault of Administration; it was the work of opposition. It was the impertinent boldness of Chatham; the idle declamation of Fox; and the unseasonable sarcasm of Barre! These men, and men like them, would not join the Minister in his American war. They would not give the name and character of wisdom to that which they believed to be the extreme of folly. They would not pronounce those measures just and honorable, which their principles led them to detest. They declared the Minister's war to be wanton. They foresaw its end, and pointed it out plainly both to the Minister and to the country. He pronounced the Opposition to be selfish and factious; he persisted in his course, and the result is in history.

This example of Ministerial justice seems to have become a model for these times, and this country. With slight shades of difference, owing to different degrees of talent and ability, the imitation is sufficiently exact. It requires little imagination to fancy one's self sometimes to be listening to a recitation of the captivating orations of the occupants of Lord North's Treasury bench. We are told that our opposition has divided the Government, and divided the country. Remember, sir, the state of the Government and of the country when war was declared. Did not difference of opinion then exist? Do we not know that this House was divided? Do we not know that the other House was still more divided? Does not every man, to whom the public documents are accessible, know, that in that House one single vote, having been given otherwise than it was, would have rejected the act declaring war, and adopted a different course of measures? A parental, guardian Government, would have regarded that state of things. It would have weighed such considerations; it would have inquired coolly and dispassionately into the state of public opinion in the States of this Confederacy; it would have looked especially to those States most concerned in the professed objects of the war, and whose interests were to be most deeply affected by it. Such a Government, knowing that its strength consisted in the union of opinion among the people, would have taken no step of such importance without that union; nor would it have mistaken mere party feeling for national sentiment.

That occasion, sir, called for a liberal view of things. Not only the degree of union in the sentiments of the people, but the nature and structure of the Government; the general habits and pursuits of the community; the probable consequences of the war, immediate and remote, on our civil institutions; the effect of a vast military patronage; the variety of important local interests and objects;—these were considerations essentially belonging to the subject. It was not enough that Government could make out its cause of war on paper, and get the better of England in the argument. This was requisite, but not all that was requisite. The question of war or peace, in a country like this, is not to be compressed into the compass that would befit a small litigation. It is not to be made to turn upon a pin. Incapable in its nature of being decided upon technical rules, it is unfit to be discussed in the manner which usually appertains to the forensic habit. It should be regarded as a great question, not only of right, but also of prudence and expediency. Reasons of a general nature, considerations which go back to the origin of our institutions, and other considerations which look forward to our hopeful progress in future times, all belong, in their just proportions and gradations, to a question, in the determination of which the happiness of the present and of future generations may be so much concerned.

I have heard no satisfactory vindication of the war on grounds like those. They appear not to have suited the temper of that time. Utterly

astonished at the declaration of war, I have been surprised at nothing since. Unless all history deceived me, I saw how it would be prosecuted when I saw how it was begun. There is in the nature of things an unchangeable relation between rash counsels and feeble execution.

It was not, sir, the minority that brought on the war. Look to your records from the date of the embargo in 1807, to June 1812. Everything that men could do, they did, to stay your course. When at last they could effect no more, they urged you to delay your measures. They entreated you to give yet a little time for deliberation, and to wait for favorable events. As if inspired for the purpose of arresting your progress, they laid before you the consequences of your measures, just as we have seen them since take place. They predicted to you their effects on public opinion. They told you that, instead of healing, they would inflame political dissensions. They pointed out to you also what would and what must happen on the frontier. That which since has happened there, is but their prediction turned into history. Vain is the hope then of escaping just retribution, by imputing to the minority of the Government, or to the opposition among the people, the disasters of these times. Vain is the attempt to impose thus on the common sense of mankind. The world has had too much experience of ministerial shifts and evasions. It has learned to judge of men by their actions, and of measures by their consequences.

If the purpose be, by casting these implications upon those who are opposed to the policy of the Government, to check their freedom of inquiry, discussion, and debate, such purpose is also incapable of being executed. That opposition is Constitutional and legal. It is also conscientious. It rests in settled and sober conviction, that such policy is destructive to the interests of the people, and dangerous to the being of the Government. The experience of every day confirms these sentiments. Men who act from such motives are not to be discouraged by trifling obstacles nor awed by any dangers. They know the limit of Constitutional opposition—up to that limit, at their own discretion will they walk, and walk fearlessly. If they should find, in the history of their country, a precedent for going over, I trust they will not follow it. They are not of a school, in which insurrection is taught as a virtue. They will not seek promotion through the paths of sedition, nor qualify themselves to serve their country in any of the high departments of its Government, by making rebellion the first element in their political science.

Important as I deem it to discuss, on all proper occasions, the policy of the measures at present pursued, it is still more important to maintain the right of such discussion, in its full and just extent. Sentiments lately sprung up, and now growing fashionable, make it necessary to be explicit on this point. The more I perceive a disposition to check the freedom of inquiry by extravagant and unconstitutional pretences, the firmer shall be the tone, in which I shall assert.

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and the freer the manner in which I shall exercise it. It is the ancient and undoubted prerogative of this people to canvass public measures and the merits of public men. It is a "homebred right," a fireside privilege. It has ever been enjoyed in every house, cottage, and cabin, in the nation. It is not to be drawn into controversy. It is as undoubted as the right of breathing the air, or walking on the earth. Belonging to private life as a right, it belongs to public life as a duty; and it is the last duty, which those whose representative I am, shall find me to abandon. Aiming at all times to be courteous and temperate in its use, except when the right itself shall be questioned, I shall then carry it to its extent. I shall then place myself on the extreme boundary of my right, and bid defiance to any arm that would move me from my ground. This high Constitutional privilege I shall defend and exercise within this House, and without this House, and in all places: in time of war, in time of peace, and at all times. Living I shall assert it, dying I shall assert it; and, should I leave no other inheritance to my children, by the blessing of God, I will still leave them the inheritance of free principles, and the example of a manly, independent, and Constitutional defence of them.

Whoever, sir, would discover the causes which have produced the present state of things, must look for them not in the efforts of opposition, but in the nature of the war, in which we are engaged, and in the manner in which its professed objects have been attempted to be obtained. Quite too small a portion of public opinion was in favor of the war, to justify it, originally. A much smaller portion is in favor of the mode in which it has been conducted. This is the radical infirmity. Public opinion, strong and united, is not with you, in your Canada project. Whether it ought to be, or ought not to be, the fact that it is not, should by this time be evident to all; and it is the business of practical statesmen, to act upon the state of things as it is, and not to be always attempting to prove what it ought to be. The acquisition of that country is not an object generally desired by the people. Some gentlemen indeed say it is not their *ultimate object*; and that they wish it only as the means of effecting other purposes. But, sir, a large portion of the people believe that a desire for the conquest and final retention of Canada is the main spring of public measures. Nor is the opinion without ground. It has been distinctly avowed by public men, in a public manner. And if this be not the object, it is not easy to see the connexion between your means and ends. At least that portion of the people, that is not in the habit of refining far, cannot see it. You are, you say, at war for maritime rights, and free trade. But they see you lock up your commerce and abandon the ocean. They see you invade an interior province of the enemy. They see you involve yourselves in a bloody war with the native savages; and they ask you, if you have, in truth, a maritime controversy with the Western Indians, and are really contending for sailors' rights with

the tribes of the Prophet? In my judgment, the popular sentiment, in this case, corresponds with the soundest political discretion. In my humble opinion, you are not only not able to travel in the road you have taken, but, if you were, it would not conduct you to your object.

I am aware, sir, that both the professed objects of the war, and the manner of prosecuting it, may receive the nominal approbation of a great majority of those who constitute the prevailing party. But I know also how extremely fallacious any inference from that circumstance would be, in favor of the real popularity of the measure. In times like these, a great measure of a prevalent party becomes incorporated with the party interest. To quarrel with the measure would be to abandon the party. Party considerations, therefore, induce an acquiescence in that on which the fate of party is supposed to depend. Gentlemen, sir, fall into strange inconsistencies on this subject. They tell us that the war is popular; that the invasion of Canada is popular, and that it would have succeeded before this time, had it not been for the force of opposition. Sir, what gives force to opposition in this country? Certainly nothing but the popularity of the cause of opposition, and the numbers who espouse it. Upon this argument, then, in what an unprecedented condition are the people of these States! We have on our hands a most popular war; we have also a most popular opposition to that war. We cannot push the measure, the opposition is so popular. We cannot retract it, the measure itself is so popular. We can neither go forward, nor backward. We are at the very centre of gravity—the point of perpetual rest.

The truth is, sir, that party support is not the kind of support necessary to sustain the country through a long, expensive, and bloody contest; and this should have been considered before the war was declared. The cause, to be successful, must be upheld by other sentiments, and higher motives. It must draw to itself the sober approbation of the great mass of the people. It must enlist, not their temporary or party feelings, but their steady patriotism, and their constant zeal. Unlike the old nations of Europe, there are in this country no dregs of population, fit only to supply the constant waste of war, and out of which an army can be raised, for hire, at any time, and for any purpose. Armies of any magnitude can here be nothing but the people embodied—and if the object be one for which the people will not embody, there can be no armies.

It is, I think, too plain to be doubted, that the conquest of Canada is such an object. They do not feel the impulse of adequate motive. Not unmindful of military distinction, they are yet not sanguine of laurels in this conquest. The harvest, thus far, they perceive has not been great. The prospect of the future is no greater. Nor are they altogether reconciled to the principle of this invasion. Canada, they know, is not to be conquered, but by drenching its soil in the blood of its inhabitants. They have no thirst for that blood. The borderers, on the line, con-

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nected by blood and marriage, and all the ties of social life, have no disposition to bear arms against one another. Merciless indeed has been the fate of some of these people. I understand it to be a fact, that in some of the affairs, which we call battles, because we have had nothing else to give the name to, brother has been in arms against brother. The bosom of the parent has been exposed to the bayonet of his own son. Sir, I honor the people that shrink from a warfare like this. I applaud their sentiments and their feelings. They are such as religion and humanity dictate, and such as none but cannibals would wish to eradicate from the human heart.

You have not succeeded in dividing the people of the Provinces from their Government. Your commanders tell you that they are universally hostile to your cause. It is not, therefore, to make war on their Government, it is to make war, fierce, cruel, bloody war on the people themselves, that you call to your standard the yeomanry of the Northern States. The experience of the two campaigns should have taught you, that they will not obey that call. Government has put itself in every posture. It has used supplication and entreaty; it has also menaced, and it still menaces compulsion. All is in vain. It cannot longer conceal its weakness on this point. Look to the bill before you. Does not that speak a language exceeding everything I have said? You last year gave a bounty of sixteen dollars, and now propose to give a bounty of one hundred and twenty-four dollars, and you say you have no hope of obtaining men at a lower rate. This is sufficient to convince me, it will be sufficient to convince the enemy and the whole world, yourselves only excepted, what progress your Canada war is making in the affections of the people.

It is to no want of natural resources, or natural strength in the country, that failures can be attributed. The Northern States alone are able to overrun Canada in thirty days, armed or unarmed, in any cause which should propel them by inducements sufficiently powerful. Recur, sir, to history. As early as 1745, the New England Colonies raised an army of five thousand men, and took Louisburg from the troops of France. On what point of the enemy's territory, let me ask, have you brought an equal force to bear in the whole course of two campaigns? On another occasion, more than half a century ago, Massachusetts alone, although its population did not exceed one-third of its present amount, had an army of twelve thousand men. Of these, seven thousand were at one time employed against Canada. A strong motive was then felt to exist. With equal exertion that Commonwealth could now furnish an army of forty thousand men.

You have prosecuted this invasion for two campaigns. They have cost you vastly more, upon the average, than the campaigns of the Revolutionary war. The project has already cost the American people nearly half as much as the whole price paid for independence. The result is before us. Who does not see and feel that this

result disgraces us? Who does not see in what estimation our martial prowess must be by this time holden by the enemy and by the world? Administration has made its master effort to subdue a province, three thousand miles removed from the mother country; scarcely equal in natural strength to the least of the States of this confederacy, and defended by external aid to a limited extent. It has persisted two campaigns, and it has failed. Let the responsibility rest where it ought. The world will not ascribe the issue to want of spirit or patriotism in the American people. The possession of those qualities, in high and honorable degrees, they have heretofore illustriously evinced, and spread out proof on the record of their Revolution. They will be still true to their character, in any cause which they feel to be their own. In all causes they will defend themselves. The enemy, as we have seen, can make no permanent stand in any populous part of the country. Its citizens will drive back his forces to the line. But at that line, at the point where defence ceases and invasion begins, they stop. They do not pass it, because they do not choose to pass it. Offering no serious obstacle to their actual power, it rises, like a Chinese wall, against their sentiments and their feelings.

It is natural, sir, such being my opinion, on the present state of things, that I should be asked what, in my judgment, ought to be done. In the first place, then, I answer, withdraw your invading armies and follow counsels which the national sentiment will support. In the next place, abandon the system of commercial restriction. That system is equally ruinous to the interests, and obnoxious to the feelings of whole sections and whole States. They believe you have no Constitutional right to establish such systems. They protest to you that such is not, and never was, their understanding of your powers. They are sincere in this opinion, and it is of infinite moment, that you duly respect that opinion, although you may deem it to be erroneous. These people, sir, resisted Great Britain, because her Minister, under pretence of regulating trade, attempted to put his hand into their pockets and take their money. There is that, sir, which they then valued, and which they still value, more than money. That pretence of regulating trade they believed to be a mere cover for tyranny and oppression. The present embargo, which does not vex, and harass, and embarrass their commerce, but annihilates it, is also laid by color of a power to regulate trade. For if it be not laid by virtue of this power, it is laid by virtue of no power. It is not wonderful, sir, if this should be viewed by them as a state of things, not contemplated when they came into the national compact.

Let me suppose, sir, that when the convention of one of the commercial States, Massachusetts, for example, was deliberating on the adoption of this Constitution, some person, to whose opening vision the future had been disposed, had appeared among them.

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He would have seen there the patriots who rocked the cradle of liberty in America. He would have seen there statesmen and warriors, who had borne no dishonorable parts in the councils of their country, and on her fields of battle. He would have found these men recommending the adoption of this instrument to a people, full of the feeling of independence, and naturally jealous of all Governments but their own. And he would have found that the leading, the principal, and the finally prevalent argument, was the protection and extension of commerce.

Now, suppose, sir, that this person, having the knowledge of future times, had told them: "This instrument, to which you now commit your fates, shall for a time not deceive your hopes. Administered and practised as you now understand it, it shall enable you to carry your favorite pursuits to an unprecedented extent. The increase of your numbers, of your wealth, and of your general prosperity, shall exceed your expectations. But, other times shall arrive—other counsels shall prevail. In the midst of this extension and growth of commerce and prosperity, an embargo, severe and universal, shall be laid upon you for eighteen months. This shall be succeeded by non-importations, restrictions, and embarrassments, of every description. War with the most powerful maritime nation on earth shall follow. This war shall be declared professedly for *your* benefit, and the protection of *your* interest. It shall be declared, nevertheless, *against* your urgent remonstrance: your voice shall be heard, but it shall be heard only to be disregarded. It shall be a war for sailors' rights, against the sentiments of those to whom eight-tenths of the seamen of the country belong. It shall be a war for maritime rights, forced upon those who are alone interested in such concerns. It shall be brought upon you by those to whom seamen and commerce shall be alike unknown—who shall never have heard the surges of the sea—and into whose minds the idea of a ship shall never have entered through the eye, till they shall come from beyond the Western hills to take the protection of your maritime rights and the guardianship of your commercial interests into their skilful and experienced hands. Bringing the enemy to the blockade of your ports, they shall leave your coasts to be undefended, or defended by yourselves. Mindful of what may yet remain of your commerce, they shall visit you with another embargo—they shall cut off your intercourse of every description with foreign nations. This not only; they shall cut off your intercourse of every description by water with your sister States. This not only; they shall seize your accustomed commerce in every limb, nerve, and fibre, and hold it as in the jaws of death."

I now put it to you, sir, whether, if this practical administration of the Constitution had been laid before them, they would have ratified it? I ask you, if the hand of Hancock himself would not sooner have committed it to the flames? If then, sir, they did not believe, and

from the terms of the instrument had no reason to believe, that it conferred such powers on the Government, then, I say, the present course of its administration is not consistent with its spirit and meaning.

Let any man examine our history, and he will find that the Constitution of the country owes its existence to the commerce of the country. Let him inquire of those who are old enough to remember, and they will tell it to him. The idea of such a compact, as is well known, was first unfolded in a meeting of delegates from different States, holden for the purpose of making some voluntary agreements respecting trade, and establishing a common tariff. I see near me an honorable and venerable gentleman (Mr. SCHUREMAN, of New Jersey) who bore a part in the deliberations of that Assembly, and who put his hand to the first recommendation ever addressed to the people of these States, by any body of men, to form a National Constitution. He will vouch for the truth of my remark. He will tell you the motives which actuated him and his associates, as well as the whole country, at that time. The faith of this nation is pledged to its commerce, formally and solemnly. I call upon you to redeem that pledge, not by sacrificing, while you profess to regard it, but by unshackling it and protecting it and fostering it, according to your ability, and the reasonable expectations of those who have committed it to the care of Government. In the commerce of the country the Constitution had its growth; in the extinction of that commerce it will find its grave. I use not the tone of intimidation or menace, but I forewarn you of consequences. Let it be remembered, that in my place, this day, and in the discharge of my public duty, I conjure you to alter your course. I urge to you the language of entreaty. I beseech you, by the best hopes of your country's prosperity—by your regard for the preservation of her Government and her Union—by your own ambition, as honorable men, of leading hereafter in the councils of a great and growing Empire—I conjure you by every motive which can be addressed to the mind, that you abandon your system of restrictions—that you abandon it at once, and abandon it forever.

The humble aid, which it would be in my power to render to measures of Government, shall be given cheerfully, if Government will pursue measures which I can conscientiously support. Badly as I think of the original grounds of the war, as well as of the manner in which it has been hitherto conducted, if even now, failing in an honest and sincere attempt to procure just and honorable peace, it will return to measures of defence and protection, such as reason, and common sense, and the public opinion all call for, my vote shall not be withholden from the means. Give up your futile projects of invasion. Extinguish the fires that blaze on your inland frontiers. Establish perfect safety and defence there, by adequate force. Let every man that sleeps on your soil, sleep in security. Stop the blood that flows from the veins of unarmed yeomanry

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and women and children. Give to the living time to bury and lament their dead, in the quietness of private sorrow. Having performed this work of beneficence and mercy on your inland border, turn, and look with the eye of justice and compassion on your vast population along the coast. Unclench the iron grasp of your embargo. Take measures for that end before another sun sets upon you. With all the war of the enemy on your commerce, if you would cease to war on it yourselves, you would still have some commerce. That commerce would give you some revenue. Apply that revenue to the augmentation of your navy. That navy, in turn, will protect your commerce. Let it no longer be said that not one ship of force, built by your hands since the war, yet floats upon the ocean. Turn the current of your efforts into the channel which national sentiment has already worn broad and deep to receive it. A naval force, competent to defend your coast against considerable armaments, to convoy your trade, and perhaps raise the blockade of your rivers, is not a chimera. It may be realized. If, then, the war must be continued, go to the ocean. If you are seriously contending for maritime rights, go to the theatre where alone those rights can be defended. Thither every indication of your fortune points you. There the united wishes and exertions of the nation will go with you. Even our party divisions, acrimonious as they are, cease at the water's edge. They are lost in attachment to national character on the element where that character is made respectable. In protecting naval interests by naval means, you will arm yourselves with the whole power of national sentiment, and may command the whole abundance of the national resources. In time you may enable yourselves to redress injuries, in the place where they may be offered, and, if need be, to accompany your own flag throughout the world, with the protection of your own cannon.

When Mr. WEBSTER had taken his seat—

Mr. INGERSOLL rose and addressed the House as follows:

Mr. Speaker, I regret that there should be a necessity for any member on this side of the House to deny some of the positions assumed by the honorable gentleman from New Hampshire. (Mr. WEBSTER,) who has just taken his seat; and more especially regret that the task should devolve upon me, as I think it does, in justice to my constituents, to contradict more particularly his positions with respect to the popularity of the conquest of Canada. He has totally denied the prevalence of such a sentiment, denounced the project as odious and impracticable in the present state of public feeling, and, while he recognised the facility of the conquest, he nevertheless prophesied a continued abortion to the American arms in every such attempt. Sir, meeting his assertions, as I do, without previous consideration, it must be expected that my answer will be desultory and incomplete. The gentleman from New Hampshire appears to have taken the floor with an argument, the fruit of some study of his sub-

ject; and it is due to candor to premise that he has argued his case honorably as well as elaborately; with propriety, as well as ability. I can assure him, in the first place, that whatever may be the temper of the community in that State which he in part represents; that, however impolitic, immoral, or impossible they may consider the conquest of Canada, the popular feeling is very different in that portion of the country which sends me to this House—a portion undoubtedly as populous, as enlightened, and as patriotic as the immediate section of that gentleman's residence; I will not presume to say, sir, more populous, more enlightened, or more patriotic. The delays, disasters, and disgrace our arms have sustained in the endeavor to invade the Canadian provinces we do not consider, in Pennsylvania, as reasons for abandoning the attempt. We do not account our misfortunes irremediable. We do not see in these difficulties attending the American military apprenticeship the evidences discovered by that gentleman of indelible national discredit, nor motives for closing with any terms that may be offered of peace; but, on the contrary, we hold them to be calamitous proofs of an ignorance of the art of war, which it is high time to overcome, and most powerful incitements to perseverance and fortitude in hostilities. As a separate cause of war, independent of all others, I will not undertake to say what the popular sentiment may be with regard to the invasion and conquest of Canada; but, as an instrument for waging it effectually, and as a desirable acquisition in the course of its prosecution, most certainly we do look upon those British provinces in our neighborhood as all-important in the account. It can hardly be doubted but that Canada will generally, hereafter, be as well defended as it has been in the present contest, nor can it any more be drawn into question that our efforts to possess ourselves of these territories will invariably be as unfortunate and disgraceful as they have been, unless we persist long enough to oppose discipline to discipline; otherwise, we may postpone the conquest to the next generation, who may try it, as we have done; fail as we have done; and hand it over to a third descent: always expensive, always sanguinary, always mortifying, and always unsuccessful. We recollect, sir, and take into consideration, in all our views of this subject, what it cost England to wrest it from France; how many disastrous campaigns succeeded each other; when the whole population of the New England States were embodied for the conquest under the most experienced military men Great Britain could place at their head; how they nevertheless failed, year after year, till Wolfe, at last, achieved it. And, when he had achieved it, what said the English nation of its worth? Turn, sir, to those histories to which the gentleman from New Hampshire has referred, with which he is, no doubt, so much more conversant than I can pretend to be. Ask the annals of the times. They will tell you that the acquisition was accounted a rich indemnity for all the blood and all the treasure it had cost. They will inform

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you that the English deemed it a prize inestimably valuable.

If such was their view of this conquest, such their perseverance to accomplish it, shall we reckon it so little worth, when its importance has been so much enhanced? Shall we forego the endeavor to obtain it, without exertions commensurate with those made so long ago by England? It is true that our arms have failed; failed repeatedly; failed most disreputably; failed almost unaccountably. But have not the arms of England been as often and as signally reversed? It is now more than a century since England has been striving to become a considerable military Power, and what has been her fate? Look to Flanders, to Holland, to Walcheren, during the present war; without recurring further back, to Portugal, to Spain. Where have they not been defeated and disgraced? till finally, after three years of continued overthrows and failures in Spain, they have, at last, been beaten by their masters in the military art into an equality with those masters. Let it always be recollected, sir, that our present misfortunes in the field are the natural result of thirty years of peace and prosperity; thirty years of total neglect of everything like military science or acquirement. I am given to understand, sir, by officers of unquestionable merit, that, in the late affair at Williamsburg, on the 11th of November, the superiority of British discipline was as manifest on the one side, as that of American enthusiasm was on the other; and that, but for this ardent, though ill-regulated spirit, we should probably have sustained a total defeat. The knowledge of war is not to be obtained in a day, nor through any theory. If labor, mortification, and constancy, are indispensable to the mastery of any art, surely they must be, and be expected to be, in that of military affairs. How was it, sir, when, soon after the organization of the present Government, an attempt was made to subdue the Indians on our borders?—when General Washington was the President, General Knox at the head of the War Department, and Generals Harmer, St. Clair, and Wayne, the commanders of the several expeditions? I forget which of the two former went first, but they were both entirely unsuccessful; nor was it until the third attempt was made, that, with all the supposable advantages of such an administration, this petty foe was ultimately overcome.

Have gentlemen forgot that the first blow of the war of the Revolution, even before the Declaration of Independence, was aimed at Canada? when General Washington sent Colonel Arnold to penetrate with his detachment through the District of Maine, while General Montgomery advanced to the co-operation by another route. The course and termination of that expedition are familiar to everybody. General Montgomery fell in the attack on Quebec, after the subjugation of Montreal, and when the conquest of the province was so near its accomplishment. He fell at a season of the year, too, and under circumstances, which cannot be called to mind, without contrasting

them with the present situation and latter constitution of our armies, who, fortified all Summer and huddled all Winter, appear to have lost the spirit of enterprise and hardihood by which American officers and soldiers were formerly characterized. Several years after this invasion, in the year 1779, that Congress, whose constancy, patriotism, and talents, cannot be too much applauded, whose eulogium has been resigned to our enemies and omitted by our own annalists, made every arrangement preparatory to a second incursion. The Marquis Lafayette was sent into the State of New York to take the preliminary measures; and the design was finally suspended, for reasons which it is not now essential that I should enumerate. Many years succeeding this period, at the adoption of the Federal Constitution, a clause was placed in that instrument, as is well known, for the express purpose of making adequate provision for the future incorporation of the Canadas, at any time, into the Union.

But the conquest of Canada is said to be unpopular; and that is the reason why it fails—that is the reason why it will never succeed. A defensive and a maritime sphere is alone to be occupied by American hostilities. With a large majority of the country the conquest, I am confident, is not unpopular, but looked upon as even a strong independent inducement to the war. The embargo, of which the gentleman from New Hampshire deprecates the existence even for a day, will not interrupt the prosecution of those maritime adventures he recommends. Your public vessels are not restricted. They are hastening abroad. Your privateers will not be confined. They are gliding down your rivers and bays to the ocean. Within a very short time, I am told, a considerable number has effected their clearance out to sea from the waters of the Chesapeake; and no doubt from other quarters others will not be backward in going forth.

The gentleman from New Hampshire is not correct when he avers that the present war has not added a single ship to our Navy. Ships-of-the-line, the favorite scheme of that gentleman, I presume, are in the process of construction. Several frigates and several sloops of war are also in progress; some nearly finished; others not so far advanced. Large ships are not the creation of a day; but I imagine as much industry has been exerted upon those now building as could be of any use. I was surprised, however, at the broadness of the honorable gentleman's averment in this respect, when the conquest of Canada was his topic, and when therefore the lakes should have been full in his view. The ships with which Commodore Chauncey conquered the command of Lake Ontario are the production of the present war; and so are those with which Commodore Perry obtained his transcendent victory, unparalleled by any achievement on the high seas.

Mr. Speaker, this of all others is not a moment for relaxation from the exigencies of the crisis. Most unexpectedly, within these few days, a flag of truce has arrived from England, bearing, as is supposed, pacific overtures to this country.

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Whether this advance is to be considered as sincere, or insidious, it equally behooves us to strengthen the belligerent arm of the nation. When we advert to the date at which these despatches left England there is certainly something to be gathered which seems to indicate that our cause there is not deemed a hopeless one. Within not many days after the most signal success that ever the allies of Great Britain, according to their account, have gained on the continent of Europe during five successive coalitions, suddenly and somewhat strangely a flag of truce is despatched to accost us. Information has been received, I am told, that the American loans are at an advance of twelve per cent. in the London stock market—no evidence certainly of their entertaining doubts of our national resources, unanimity, or determination. I infer from all these circumstances, that the Emperor of Russia, whose proffered mediation Great Britain declines, having at last crowned his invincible resistance to the continental dominion of France with success, has indicated symptoms of a resolution to turn the same unconquerable spirit against England, and to curb in like manner her maritime usurpation; a balance unquestionably to be desired for the peace, welfare, and security of the world. Should such be the case, it furnishes a new and very strong illustration of the sagacity and wisdom of the American Government in their management of the important good offices and alliance of Russia. Should such be the case, sir, it opens upon us prospects of peace and maritime prosperity infinitely beneficial. I trust it may be so, sir. I hope the Gottenburg negotiation may end in an adjustment of our difficulties. But, to be thrown off our guard by such a reliance would be the most fatal impolicy; to rest on our arms in the meanwhile, every way deplorable. Let us strengthen them, increase our bounties, multiply our soldiers, instruct our officers, improve the interval to redeem and establish our military reputation. Above all, let us not be deluded by the prospect of peace into a dilapidation of the means of war. If the English are sincere, so are we; and there can be no difficulty to a fair accommodation. But, lest they should be insidious in this dangerous proposition, let the motto of every man be, at least for the present, "*Timeo Danaos, et dona ferentes.*"

When Mr. INGERSOLL had concluded—

Mr. MILLER, of New York, rose and addressed the Chair as follows:

Mr. Speaker: I cannot vote for the bill now under consideration, nor can I content myself with a silent vote. I am opposed to the bill—

1st. Because the force it seeks to raise is to be used in this war of conquest—the crusade against Canada.

2d. Because we have not the information we ought to have, before we grant more money, or raise more men, to prosecute this ruinous and disastrous war.

3d. Because I think this Administration is incompetent to conduct the war to a successful issue.

4th. Because I am utterly opposed to the principles which have been avowed in the progress of the war.

It is not my intention to touch the details of the bill on the table, although I think them very defective and objectionable. I am opposed to the whole bill—

1st. Because the force is to be used in this war of conquest.

We have been told by honorable gentlemen on the other side of the House, that however much we may have been originally opposed to the war, it now becomes our duty to withhold our opposition, and afford all the means in our power to carry it on with the utmost vigor. To this opinion I cannot subscribe; it goes to the destruction of civil liberty, and will not find advocates on this side of the House. This doctrine strikes at the vitals of your republican institutions. It amounts to neither more nor less than this: that a weak and wicked Administration, (I speak not particularly of the present men in power,) finding the confidence of the people withdrawn, and their power about to pass into other hands, have nothing to do but to declare war, and instantly all opposition must cease; the men who happen to be in place, at the time of the declaration of war, however weak, however incompetent, and however profligate, must be supported at every hazard. To this doctrine I object, as it goes directly to the destruction of civil liberty. The people of this country, I am proud to say it, have an undoubted right to pass upon the conduct of public men, and examine the tendency of public measures, in war as well as in peace.

It seems to be agreed on all sides, that this is not the fit occasion to discuss the merits of the present war. I shall follow the example of other gentlemen in this particular. Permit me, however, to remark, that at the time of the declaration of war, there was a respectable minority in both Houses of Congress, and must I say minority in the nation, who disapproved of the war, as inexpedient, unnecessary, and unjust? Since the declaration of the war, the main pillars on which it rested (the Orders in Council) have been removed; and it rests now particularly, if not solely, on the ground of impressment. Many who approved the war at its declaration, might now well doubt the propriety of its continuance. It is not, sir, under circumstances like these, that the minority can be fairly called on to grant men and money to prosecute this war—a war which they considered inexpedient, unnecessary, and unjust, in its origin; and the principal cause of which has since totally failed.

The conquest of Canada has been distinctly avowed as an object of the war. My honorable friend from New Hampshire (Mr. WEBSTER) stated to you that his constituents did not want Canada; that they were opposed to this war of ambition and conquest. An honorable gentleman from Pennsylvania, who has just sat down, (Mr. INGERSOLL,) said his constituents considered the war just and necessary, and the conquest of Canada indispensable. He said, also, that it was

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patriotic to enlist in such a cause. I would like to know how many of that honorable gentlemen's constituents have enlisted for this war, so necessary and so just? And how many of them have marched for the conquest of Canada, which he and they think so indispensable? Does he see the dilemma in which he may have placed his constituents? I put it to you, sir: If that honorable gentleman proves to me that this war is necessary and just—that the conquest of Canada is indispensable—that to join the Army is patriotic, and that his constituents know it; and I prove to him that his constituents have not joined the Army for these objects, so necessary, so just, so indispensable, I ask you, sir, whether his own argument does not prove that his constituents want patriotism? Your former projects for filling your army have failed—the present one may not succeed. You began with offering reasonable, moderate bounty and pay, and you was disappointed; you made some calculation on the patriotism of your friends—you now, however, make a direct appeal to their cupidity: you propose to increase your bounty to an extravagant amount; and yet I am not sure that your ranks will be filled. I know it has been said, that armies are usually filled with the idle, the vagrant, the dissolute, and the profligate—men without occupation, without character, without homes. Nor do I forget that our manners, our habits, our customs, our pursuits, and our feelings, are like our Government—peaceful; that in this country the means of subsistence are so easily acquired, the rewards of honest industry so great, and the condition of our people so comfortable, that they require strong temptations to enlist in your army. There is much weight in all this, but it is not sufficient to account for the present state of your recruiting service. There is another and no less powerful reason: your war is unpopular. In common with every friend of the country, I rejoice that our people are so happy and contented at home that they require strong temptation to induce them to leave their accustomed avocations and pursuits. But I am proud indeed in the belief that they require also to be satisfied of the justice and necessity of the war, before they will enlist in the ranks of your army. Show to the people of this country that you have not been wanting in any of the duties you owed the enemy; show to them that you have negotiated in good faith, and that all your negotiations have failed through his fault. In short, prove to them that your war is necessary and just—that it is the proper remedy for the evils of which you complain; show them that war is necessary to assert national right, or to vindicate national honor, and you will have an army; you will then command the energies of every heart, and the "might which slumbers in every arm." But until you do convince the people of this necessity, offer what bounty you please. I am not certain you will get an army. Do what you will, say what you please, the people of this country will think and talk; and strong indeed must be the temptation for them to enlist, unless you convince them of the justice and necessity

of the war. There is a pride in their own opinions of right and wrong—there is an elevation in their sentiments of independence—a haughtiness in their notions of freedom, which requires this at your hands.

The advocates of the bill have more than once alluded to the situation of the frontier; and we have been asked whether we would not consent to fill the ranks of the Army, now that our frontier was desolated, and our villages smoking in ruins? Could it have been the intention of the honorable gentleman to give an impression abroad that the minority of this House was opposed to the defence of the country? Sir, such an impression would be erroneous. Holding, as we justly do, the majority answerable for the blood and treasure of the nation, we have at all times expressed a willingness to afford our aid for defensive measures. The men to be raised under this bill cannot be enlisted, much less organized and disciplined for the defence of the frontier—the object is conquest, and on this ground we oppose it. It has been intimated that we are not willing to afford the means of defence. My honorable friend from Virginia, (Mr. SHERREY,) has, I hope, put this question at rest for ever. He this morning offered you an amendment to the bill, "limiting the force to the defence of the frontier." He pledged himself, and vouched for the support of his friends, provided the amendment was adopted. What was the fate of it? You rejected it with contempt and disdain; you would not give it a second reading. Let it not be said, then, that we refuse you the means of defence. For that we always have been—we still are ready to open the treasure of the nation. We will give you millions for defence; but not a cent for the conquest of Canada—not the ninety-ninth part of a cent for the extermination of its inhabitants. This is one ground of opposition to the bill.

2d. I am opposed to the bill, because we have not the information we ought to have, before we grant more men or money to prosecute this ruinous and disastrous war.

My honorable friend from North Carolina (Mr. PEARSON) stated this objection, and asked for information—it was suggested that it would not be prudent and discreet to expose the full extent of our means. To prevent the necessity of a public disclosure, he moved to clear the galleries; with a view to ask and learn the present state and condition of the Army. This was not acceded to: and we are now called on to grant you more men, at a most enormous premium, without even being permitted to have any satisfactory official information about the state of our recruiting service. Ignorant, hoodwinked, blinded as we are, it ought not to be claimed or expected of us to pass this bill. I think the Administration ought not to call on us for more men till they have answered the inquiry which we made of them touching the causes of the failure of our arms. And I much doubt whether this House ought to grant another army, before it has made a thorough investigation of the causes of the late disasters and disgrace which have followed our arms.

Let me not be answered that we have made the inquiry—the inquiry you have made must prove ineffectual. The honorable mover of that resolution (Mr. BRADLEY) professed to have the same object in view which he formerly had; and introduced his resolution, by some remarks, in which he claimed it to be “like” the one offered at the last session. Permit me to set the honorable gentleman right—and let me tell him, that his resolutions are not “like”—nay, sir, let me prove to him that they are very *unlike*. The resolution which he submitted at the last session, was in these words:

“Resolved, That a committee be appointed to inquire into the causes which have led to the multiplied failures of the arms of the United States on our Western and Northwestern frontier; and that the committee be authorized to send for persons and papers.”

The resolution which he offered this session, and which the House adopted, is in these words:

“Resolved, That the President of the United States be requested to cause to be laid before this House, any information in his possession, and not improper to be communicated, which may tend to illustrate the causes of the failure of the arms of the United States on the Northern frontier.”

Can these resolutions be considered “like” in their nature, object, or effect? The object to be sure, in both cases, is an inquiry; but the resolutions are radically and essentially different. The one offered last session relates exclusively to the first campaign, and extends to the Western and Northwestern frontier; it seeks to raise a committee of this House, with power to send for persons and papers. It is the usual and proper inquiry, in the usual and proper way, if a thorough and effectual investigation was wished or expected. The second resolution is radically different; it proposes no committee; it begs to know of the President the causes of the failure of our arms—it is confined to the Northern frontier; it does not touch the Western and Northwestern frontier. Its terms might possibly include both campaigns; but, according to its obvious import, it was treated by every gentleman who spoke on it as relating exclusively to the last campaign. Now, will the honorable gentleman from Vermont proclaim to this House and publish to the nation that his resolutions are “like” each other? Sir, they are most palpably unlike.

Again, they differ essentially in this particular. If under the first resolution a committee had been appointed with power to send for persons and papers, the fault might have been traced to the Administration, if indeed it rested there. By the last resolution, the inquiry is made of the President, and the conduct of the Administration is completely and effectually shielded from investigation.

[Here Mr. MILLER was called to order by Mr. WRIGHT, of Maryland. The Chair declared Mr. M. not to be out of order.]

I should have regretted, sir, had I been considered by the Chair, as wandering from the point under discussion—I have now only to regret, that

I have not been so fortunate as to make myself distinctly understood by honorable gentlemen. I will state my objection—we have not the necessary information, and in anticipation of an argument which may be urged against me hereafter, I intend to show that the mode of inquiry which we have adopted may not reach the evil—and, if the blame rests with the Administration, it certainly will not reach it; it cannot, it was not so intended by the honorable mover. And here, permit me to remind that honorable gentleman of what he said, on introducing his resolution the other day. Alluding to his former resolution, he distinctly stated that the reasons requiring the investigation, had “gained strength” since the last session. The disease he admits to be more dangerous; and yet the strength of the remedy is reduced, its whole force and efficacy lost. Sir, the arm of this resolution should have been extended so as to have reached your departments; and it should have been nerved with sufficient strength to bind the delinquent, even had he been found within the walls of your palace. Let me again tell the honorable gentleman from Vermont, that his resolutions are most *unlike*. If he thinks that by moving the subject at the last session, the public had a right to expect him to pursue the investigation, let me tell him that expectation has been disappointed. If he considers that he was pledged to prosecute an effectual inquiry, I tell him that pledge remains to be redeemed. He has, to be sure, brought forward an inquiry, but of a very different character from that which he proposed last session. Like the *Weird Sisters*, he “has kept the word of promise to our ear, but broke it to our hope.”

I voted for the resolution, not because I considered it proposed an ineffectual investigation—I knew it did not, and begged the honorable mover to give some little time for consideration; this he declined, and it was hurried through the House with very little reflection. I did vote for it on two grounds—it admitted the failure of the campaign, and the necessity of an inquiry. This inquiry is made of the President, the commander-in-chief of your armies, and who may himself be answerable for the misfortunes and calamities of our military operations. I do not here intend to charge the failure of our arms to the President; I do not know that he is to blame in the conduct of the war; but if he was ever so much in fault, you could not ask of him to inculpate himself. The President is completely protected; the present mode of inquiry, also effectually shields the departments. The President will not tell you that his Secretaries are unfaithful or incompetent, for he has power to remove them, and he will not plead guilty to the charge of retaining unfaithful or incompetent men in his Cabinet. Besides, the inquiry, although directed to the President in form, goes in fact to the Secretary at War; and he is the last man in this nation to whom such an inquiry should have been directed.

It is a position not to be doubted, that our military operations may, in a good degree, take their tone and character from the Head of the War

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Department; and I am free to confess that I think the present Secretary has more military talent than his immediate predecessor, or any member of the Cabinet. But your forces appear to be crippled and bound, as if by enchantment; and it seems that even the present Secretary of War, great as his talents are claimed to be, and respectable as I am willing to admit them to be, even he is not magician enough to break the spell which rests upon your army. The Head of the War Department is always, in some measure, responsible in the first instance, for the failure of a campaign; but in the present case the Secretary at War has identified himself with our military operations;—he went to the camp; he personally superintended all the operations of the Army; he issued his orders from day to day; he governed, he controlled, he directed everything; his friends claimed for him to be the "*ipse agmen*" of the war. Had the campaign succeeded; had his army proceeded on to Montreal and taken it; had victory perched on our standard, you would have heard more of the "head which planned, and the hand which executed" the last campaign. Had we been victorious, *Teucro duce, et auspice Teucro*, is the motto you would have seen blazoned on his escutcheons. And yet we have seen fit to apply to the Secretary at War for information respecting the causes of the failure of our arms. Sir, I ask whether this is strict and impartial justice to the officers of the Army? I do not think our Generals have entitled themselves to be the peculiar favorites of this House; but I much fear that we have adopted a course of investigation, which they will think invidious towards them. Ineffectual as this inquiry must be, we have got no answer yet, and we are called on to grant you more men, while those heretofore granted remain altogether unaccounted for. An inquiry similar to the one proposed at the last session ought to have been adopted. A committee of this House with powers to send for persons and papers, appears to me indispensable to a fair and impartial investigation of the causes of the failure of our arms; and more men ought not be granted before such a committee has performed its office, and reported to this House.

Mr. Speaker, I am surprised that this course has not suggested itself to honorable gentlemen who think no fault can be traced to the Administration. It is well known that much clamor has been excited on the ground that this Administration has proved itself incompetent. The bill under discussion acknowledges that your ranks are not filled; why, then, not do away all groundless charges of incompetency. If on such an inquiry the Administration should be exonerated from blame; if, on examination, it should appear that our distresses, disasters, and disgrace, have flowed from causes not within their power or control, public confidence would be restored; the arm of Administration would be strengthened. You call upon us to help you in the passage of this bill. You ought first to have investigated the cause of your former failures; you ought to have cleared the Administration from blame, or

the suspicion of it. This would have inspired confidence; it would have effected another object so near the hearts of certain gentlemen; it would have reduced the number of moral traitors. A moral traitor, I understand to be one who, disapproving of the war, declines to afford it any voluntary aid; one who, in the fair exercise of a known and acknowledged Constitutional right, freely canvasses the conduct of public men and the bearing of public measures; and, in so doing, prevents others from loaning money to the Government, or enlisting in the Army. Sir, I ask whether this is a true definition? If it is not, I hope to be set right. I am not corrected. I have then given a true definition of that fanciful, sublimated, philosophical, ethical, political felon, denominated a moral traitor. And I assure honorable gentlemen that much of this crying, deadly sin of moral treason, may be traced to a well-grounded belief that you are unfit to manage this war, which you so improvidently created.

[Here Mr. GRUNDY rose and observed, that moral treason, as defined by him, differed from that now spoken of by Mr. MILLER. Mr. G. referred to his printed speech. Mr. M. asked Mr. G. to state the difference. Mr. G. declined.]

The honorable gentleman from Tennessee, (Mr. GRUNDY,) continued Mr. M., was right in supposing I alluded to what he had said in his place last session. He refers me to his printed speech, which I am not certain I ever had the pleasure to read. He says there is a distinction between what he said and what I understood him to say. I am bound to believe him; but as he has not condescended to explain the difference, I must be permitted to keep my own definition until a more correct one is furnished me.

Mr. Speaker, we have not the information which we ought to have. We have not even inquired for it in a way to give the least possible chance for a fair and impartial investigation. In this I think you have erred. This House has admitted the necessity of an inquiry; the nation imperiously demands it; there has been, there yet is, a loud peal of murmur and discontent from one end of the continent to the other. It cannot have been unheard; it ought not to have been disregarded. Had this House seen proper to make an effectual investigation; or had we received an answer to the inquiry which we have made, I might perhaps have arrived at a different conclusion; but, under present circumstances, I must concur in the opinion, which is entertained by a large proportion of this nation, that this Administration is not competent to carry on this war. And, in this opinion, I find a distinct and insurmountable objection to the bill on your table.

3. I am opposed to the bill, because I think this Administration is incompetent to conduct the war to a successful issue. I cannot consent that you should have more men, particularly at this enormous rate, until you produce some better proofs than you have done, that you have talent to use them with honor and advantage to the nation. You have had a fair experiment; you

have had an authority to raise every man you required; you have had appropriations to the utmost extent you asked. Whether you have enlisted men is more than I can say; but we all know that you have expended all the money, and more than you required. Both your campaigns have proved abortive. *Mene Tekel* is written in the most legible characters on all your military operations. With my consent you shall not have a man more to lead to death and disgrace in your fruitless attempts to conquer Canada.

I speak not of the Navy; I deny this Administration any credit on account of the Navy; but I am content they should be decorated with all the laurels their army has gained. It is their army; let them monopolize its glory. Before I proceed to the management of this army, I ask whether prudent and competent men with a declaration of war in view would have left our harbors and seaports unprotected? Would they have rushed with headlong precipitation to the conquest of Canada, (a conquest of uncertain attainment, which is already proved—and of doubtful advantage, which will be proved when you get it,) while the wealth of the nation was left unprotected on the seaboard? Would they have pursued the shadow and left the substance at the mercy of the enemy? But the seaboard was abandoned, and the crusaders marched towards Canada. From the general opinion entertained of the friendly disposition of the Canadians towards us, it might reasonably have been expected that measures would have been taken to gain their confidence and conciliate their good will. Has this been done? Has it been attempted? With the Indians, or a part of them, at least, we had difficulties before the war. What has been done to settle these difficulties, or blunt the edge of their resentment? Let the proclamation of General Hull (issued at Sandwich within twenty days after the declaration of war, and which most people believe was sanctioned by the Administration long before the war) answer these questions. I shall hereafter notice the wickedness of this proclamation. I now beg your attention to its folly. The natural effect of invasion was to unite the Canadians; but this proclamation was calculated to rouse that country against us to a man. Need you be told that a brave and generous people feel insulted at an open and direct invitation to them to abandon their country in the hour of danger? Need you be reminded that, in self-defence, cowards become brave, and the weak are clothed with more than mortal strength? Need you be informed that the principle of self-defence is original, native, and indelible, in the human heart? That, in the sentiment of the Roman orator, and in the language of an accomplished scholar of our own country, "it is not formed by habit, not induced by custom, not written, like the variable laws of nations, on brass or marble, which are corrupted by time, but engraved by the finger of the Creator in the bottom of our souls, and immortal as our existence." This is the principle of self-defence, which that proclamation was calculated

to arouse against us in its utmost power. Need you be reminded of the effect of this principle of self-defence, when fairly brought into action? Read it in the history of every nation; search it in the records of every age. Without going beyond our own times, mark its progress in the Peninsula. From thence follow the march of the devastator of Europe; go to the North, and contemplate it amid the smoking ruins of Moscow. Here was its mighty, unexampled, matchless effort; here was its mighty, unexampled, matchless success. It was self-defence which then nerved the arm of the Russian; it was this which pointed the lance of the Cossack; it was this which enabled a brave and hardy people to endure distresses and privations which posterity will scarcely believe; and it was this which enabled them ultimately to drive back, beat, and annihilate, the most numerous army which modern Europe has produced, and, for its numbers, the best appointed force the world ever saw. This proclamation, instead of being a measure of prudence and forecast, was the offspring of weakness and folly. If there was a single spark of honor, of loyalty, or of patriotism, lurking in the bosoms of the Canadians, this proclamation was calculated to fan it into a flame. If there was a single chord of their hearts which could be made to beat in unison with all the tender recollections connected with the name of home, this proclamation was calculated to wake it into vibration. Like every other step of the Administration leading to the war, it is marked by rashness, inability, and improvidence.

You approached the war with headlong haste and hurried step. How has it been conducted? We all remember, it was urged as a reason for not going to war, that our Administration was incompetent to carry it on with skill and vigor. This opinion has been fully verified; what was predicted then has since been history.

Look at the first campaign. Notwithstanding all the boastings and vauntings of the advocates of war; notwithstanding the pledge they gave of the mighty prodigies they would perform, what did they do? In a single campaign they expended millions of the people's money, lost one territory and three armies. At the close of the campaign, their pledge to the nation remained to be redeemed. If the event gives character to military operations, our men in power are totally unfit for a War Administration. They have shown neither talent in projecting or promptness in execution; and where is the evidence that they have either the boldness of enterprise or the dexterity of stratagem?

But I need not rest the charge of incompetency merely on the event of the first campaign. Let any man look at the operations of this Government; the object to be obtained, the force authorized, and the application of that force.

The object of our military operations was the conquest of Canada. The advocates of the war affected to think Canada would fall into our hands, without any considerable loss of time, of men, or of money, and indeed almost without

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the show of resistance; hence all the suggestions of prudent, discreet men, were considered as the effects of fear, the vagaries of a distempered imagination, or the result of a settled determination to magnify the evils of war. In fact, the descent upon Canada was considered not as the business of a serious campaign, but as the amusement of a holiday frolic. The inhabitants of that country were to flock to our camp; the American standard was to be nailed to the first hemlock tree, and Canada would take itself; no formidable resistance was expected. The American commander was to gain his laurels, with "rapier unstained, and sword unhacked," and in honor of his bloodless victory, was to have an "ovation" decreed him. A large force was provided by law, not to secure the contest that was considered certain, but to "look down all opposition." The force was to be overwhelming, so that all resistance should be considered vain, and thus, in mercy to the Canadians, to save the effusion of human blood. These were the views and opinions of those who declared the war.

What was the force authorized by law? The President by the act of 10th April, 1812, was authorized to call on the States for their respective proportions of 100,000 militia. These, however, could not be used for offensive operations; they were not bound to assist in foreign conquest; they must be considered as forming the defence of the nation against invasion. The regular army, however, could be used for conquest, and consisted of—

| | |
|---------------------------------------------------------------------------------------------|--------|
| The Peace Establishment under the acts of the 16th of March, 1812, and 12th of April, 1808, | |
| say | 10,000 |
| Rangers under the acts of January 2, and July 1, 1812, about | 600 |
| The additional force under act of January 11, 1812 | 25,000 |
| Total | 35,600 |

There were also 50,000 volunteers authorized by the act of the 6th of February, 1812; I believe they have been considered as liable to be marched out of the country for conquest. Be that as it may—independent of the volunteers, there were 35,600 men authorized to be raised to "look down" the opposition of the Canadians.

How was this force applied? How many were actually embodied, is more than I can tell. If men could not be raised, it was a proof that the nation disliked the war, and wise men who declared the war should have grown wiser by experience; they should have availed themselves of an opportunity which was offered; they should have made peace, prepared for war, and taken care the next time not to commence a war in which the nation would not go with them. If your army was filled, or anything like it, then the incompetency of the Administration is palpable to all. It should be remembered they chose their own time to declare war, and by the President's Message of November 4, 1812, it appears that the project of invasion, and the plan of car-

rying it on, were both settled before the declaration of war. What was the plan so far as relates to the upper country? The same Message gives the answer, "to gain the command of the Lakes, by the invasion of Canada from Detroit." In the first campaign they totally failed of their object. This failure is principally attributed to the surrender of General Hull, but the Administration is responsible for that event. General Hull was either unfaithful, or not well supported; or he was incompetent. The Administration certainly cannot believe that General Hull was treacherous; if they do, why has not his exchange been sooner effected, and his trial hastened? If the fidelity of that officer was suspected, his exchange and trial were demanded in justice to the accused; they were demanded by the welfare of your country, and by a regard to the honor and discipline of your army. This course would have inspired confidence, and either fixed or wiped off the stain which now rests on the conduct of the Administration. On this ground, then, and on every other, it is fair to infer, that he is clear of the charge of unfaithfulness; and if he was not unfaithful, then he was either not well supported, or he was incompetent, and, in either case, those who planned the expedition and set him at the head of it, are answerable to the nation for the result.

But I undertake to say that the whole business of the campaign, from beginning to end, was essentially and radically wrong. I am not a military man, my pursuits have been of a different cast, and generally it becomes me to speak on subjects of this sort with diffidence. However, with a tolerable knowledge of the local situation of the Lakes, and of that wizard country called Canada, added to such information as is now before the public of the force provided, no man of common sense can hesitate to say that the means were altogether disproportioned to the end. Even if General Hull had taken Malden, and possessed himself of Forts Erie and George, it would not have given him the command of Lake Ontario. And I hazard nothing in saying, that our whole disposable force on the frontier, added to the army which was surrendered at Detroit, could not in one season have secured the command of Lake Ontario, so long as the enemy was permitted to keep his naval superiority on the Lakes. I say, then, the plan of this expedition, in so far at least as it disregarded the naval ascendancy of the enemy on Lake Ontario, was radically and essentially wrong. Indeed the Administration, at the close of the campaign, admitted their error in this particular, and abandoned their project of getting possession of the Lakes without a naval force; but the enemy was permitted to keep open an uninterrupted intercourse between the Lakes and lower country, and in this way had an opportunity to provide everything necessary for preserving his superiority on the water. And the delay and embarrassments in our operations against the Lakes in the last campaign, may in a good degree be traced to a palpable, if not unpardonable, neglect to pos-

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sess ourselves of some position to cut off the communication between Montreal and the Lakes.

With all due deference, the whole campaign in general, as well as in detail, was wrong. The object was conquest; the means of the country were applied, as if intended for defence. The Army was scattered all along the frontier from Detroit to Lake Champlain. Thus divided, it was so weak as not to present an efficient force at any given point. Not only was your army thus unwisely weakened, but operations were attempted against those positions which afforded the enemy an opportunity to use his force to the greatest advantage. For example, your first army was sent to Detroit, and thus the enemy was enabled to play off his Indians against you with the greatest possible effect. In every instance you have wantonly travelled out of your way to attack a hornet's nest; in every instance you have roused the lion in his den. To have defended the frontier by respectable garrisons would have been the dictate of caution and prudence; and the conduct of the enemy in acting on the defensive, during the first campaign, justifies the belief that you would not then have been molested.

Sir, it is not for me, ("unskilled, unpractised" as I am,) it is not for me to teach your Solomons in wisdom, and your Samsons in combat. If they must have war, if they will deal in blood, let them go to the shambles, and learn of the butcher a lesson of skill and humanity. He does not destroy his victim by piecemeal, or mangle him in detail; he is more merciful; he understands his business better: with competent means and well-directed aim he seeks a vital part; having reached that his work is easy. To take Canada in detail is a project no less cruel than weak. Had your army been concentrated, seized and fortified a position which would have cut off the communication between the Upper and Lower Provinces, you would have seen a different result. Certainly, after all we have heard of the easy conquest of Canada, it could not have been considered an unattainable object to have driven the Priests and Nuns from Montreal. Had this been done, no supplies could have gone to the Lake country, and, on taking the Lower Province, Upper Canada would have fallen of course without a blow. You ought to have taken Montreal in your first campaign. You totally failed in every way; you expended millions; you lost one territory, and three armies; you gained nothing but defeat; you commenced with a bad plan, which was most improvidently and shamefully executed. The events of the first campaign were disgraceful to its authors, distressing and humiliating to the nation.

But you have had a second campaign. Has the character of the nation been retrieved? Has the dark and gloomy picture of the first campaign been relieved by the glory which surrounds the second? Sir, until I arrived at this place, I never heard it suggested that the last campaign was more glorious than the first. I did not believe there was a man in this House, or in this

nation, who did not think the country disgraced, and that the money and the men had been shamefully squandered by the weakness of the Administration or their immediate agents. Much less could I have believed that the President of the United States could have found a motive for continuing the war in the success which had attended our arms. For my own part I have seen no cause of exultation; in common with every man I met, I felt mortified and humbled at the disgraceful figure we had made, in two abortive attempts to conquer the contemptible neighboring provinces. I had foolishly thought that all the laurels of the North had turned to Canada thistles, but in this I must be mistaken; the source from which the information comes forbids the possibility of a doubt. Success, then, has attended our arms! Have we gained honor and glory in the last campaign? Have we, indeed? Sir, my constituents will be right glad to hear it—they will rejoice most exceedingly—we may look for illuminations and bonfires from one end of the continent to the other; the people will be frantic—they will run mad with joy!

Mr. Speaker, this is too serious a subject to be treated lightly. I ask, what has been the result of the last campaign? Has it been successful? 'Tis insult, 'tis mockery to this nation to say so. The President of the United States unquestionably has better means of information than I can pretend to; if I subscribe to his opinion, as to the success of the last campaign, it must be solely on his authority. It is an opinion which my understanding rejects; I can only arrive at it by a prodigious effort of my faith. Have we been successful? The President has labored hard to prove it.

"Go—bid physicians preach our veins to health,
And with an argument new set a pulse."

The Message at the opening of this session mentions the taking of Little York, Fort George, Fort Erie, and Malden; and the success of the campaign on the Northern and Northwestern frontier, is predicated on the fact that these places are taken. Indulge me while I examine each of these enterprises in order.

Little York was taken; but, I ask, what great benefit resulted from it? You destroyed some military stores, and one vessel which the enemy was building there. The victory was not a cheap one; you lost many brave and valuable men; their loss was but ill repaid by the capture of that post; it was of no possible advantage to you, and you did well to abandon it; it was not worth your keeping. It was to be sure a feather in the cap of the commander, but you ought not to forget that this feather was dyed in the best blood of your army. You reaped no important advantage from the reduction of Little York.

Fort George was taken. True, the fort was taken; but what became of the enemy? Eight hundred men marched out of the fort in full view, and within musket shot of your 4,000 troops. Is this a cause of exultation? Military men will tell you, sir, that if ever there was a post where

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4,000 assailants ought to have cut off the retreat and taken the 800 who abandoned it, Fort George is that post. You did not take the men; what advantage did you gain by taking the fort? None worth mentioning; the only possible advantage was, that you gave your fleet on Lake Ontario a more safe and extensive range. You lost but few men in taking Fort George; but you have suffered severely in consequence of it. In the absence of your army, Sackett's Harbor was attacked and all but taken. You lost much public property and many valuable lives in its defence; all of which are to be charged to the capture of Fort George. After taking that fort you was too proud to abandon it; it was not important for you to keep it, and yet for that object you weakened your main army to an alarming degree. Shall I speak of the disasters and disgrace which attended your arms while you held possession of Fort George? Your generals, your officers, your detachments—surprised, surrounded, cut off, and captured? I sicken at the recollection, and turn from it with disgust.

Fort Erie is added to the number of our important trophies. It sounds as well in the catalogue as any of them, and may possibly be as important as the others; but, if I am not much misinformed, the enemy had no force there during the last campaign. It always has been an inconsiderable post; it fell into our hands as an incident to Fort George; but the mention of it in the Message goes to swell the importance of our victories.

However important the capture of Little York and Fort George may now be considered here, let me tell you, sir, it was not so considered in camp. I happened to be at Sackett's Harbor in September, where I had the pleasure to see an honorable member of this House from Kentucky, (Mr. ORMSBY,) who was near the person of the Secretary at War; about the same time another honorable member of this House from Virginia, (Mr. DAWSON,) who, I understand, was attached to the military family of General Wilkinson, was also there. I appeal with confidence to the recollection of these honorable gentlemen, and ask them whether it was not the general opinion of military men in camp, that the taking of Little York and Fort George was a defect in the management of the campaign? I ask them whether the capture of these posts was not considered as the cause of much delay and embarrassment? Whether the officers and men who fell at Little York were not considered a serious loss to the nation? Whether the large force necessarily employed in defending Fort George did not materially weaken the main army, and retard their progress to the ultimate object of the campaign? In short, whether it was not the universal opinion that nothing of importance had been effected, but the harvest of glory was then yet to be reaped? I am confident the recollection of these gentlemen will correspond with my own, and they will answer these questions in the affirmative. And permit me to remark, that however important and glorious the Administration may now consider

the capture of Little York and Fort George, they once thought differently. Let it be remembered that this possession was obtained under the auspices of General Dearborn, aided and assisted by the gallant Commodore of the Lakes. If this Administration had then thought the reduction of Little York and Fort George an object of such importance; had they believed it had shed such a lustre on our arms, is it to be supposed they would have treated the General who commanded the forces which achieved it with disrespect or unkindness? And yet, sir, we all know that General Dearborn, immediately after the taking of Little York and Fort George, was permitted by the Administration (and against his own wishes) to be absent from the command of the forces, with a view to re-establish his health. It is a fact known to the nation, that General Dearborn was removed from the command of the Northern army, if not under circumstances of disgrace, in a manner certainly not agreeable to the feelings of a delicate and high-minded officer. And I have heard and believe a further fact, no less conclusive and important, that Little York and Fort George were both taken in violation of the orders of the Government. These places, in the view of the Administration, were not of sufficient importance to be regarded. General Dearborn was ordered to take Kingston—instead of which he took Little York and Fort George. Had he failed he would have been arrested; but as he succeeded, and gave a little temporary eclat to the campaign, he was merely removed from the command of the army. And Little York, Fort George, and Fort Erie, are the bolsters on which the last campaign is now to be supported!

Malden was reduced at last, and Detroit, perhaps the Michigan Territory, followed of course—how long it will remain in our possession, is more than I can tell. Permit me to say, that I cannot accord to this Administration any peculiar praise for their operations in that quarter. I think there has been most unreasonable delay, and a most enormous expenditure. It was nearly a year from the time General Harrison went to that country before he crossed the lake. I do not blame him for it—he could not cross. It is far from my intention in any shape or way to impeach the conduct of that officer; on the contrary, I do sincerely believe that it is owing to his peculiar exertions, to his skill, activity, and enterprise, that your Northwestern army did not starve. When the way was cleared, he did cross the lake, and, with better fortune or conduct than was displayed at Fort George, he not only occupied Malden, but he took the 600 men who had abandoned it. I intend not to implicate the conduct of the commander of that army—he is deserving of praise—he did everything there which was to be done.

But, how stands the conduct of Administration on this subject? General Harrison's army was to operate at Detroit, or beyond the lake. He could not move so long as the enemy had undisturbed possession of the lake. Under these circumstances, would a prudent and competent Ad-

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ministration have sent so large a force at such a distance from succors and supplies—when it was well known that they could not operate until we met the enemy on the lake with a fleet, not a keel of which was then laid? Sir, this is no trifling error—if ever a fair account of the expenditure for the Northwestern army shall be exhibited, it will astonish everybody. I hear it from authority entitled to my belief, that a principal part of the flour consumed by the army at Fort Meigs cost from seventy to eighty dollars a barrel. Again, from authority equally good, I state, that no inconsiderable portion of the Indian corn used there cost the United States, in transportation alone, one hundred and twenty dollars a bushel. And yet the wisdom of Administration sent this army on an expedition, about a year before they provided the means of getting them across the lake. In this there was a want of prudence and forecast, and a shameful waste of public money. But the means (vessels) were provided, and the object obtained. It is true, the object was achieved, gloriously achieved, but I think without many thanks to the Administration. Our fleet was inferior to that of the enemy. Perry and his brave companions ought to thank you for it; by your errors and mismanagement their fame is settled on an imperishable basis. But the nation has a right to demand of this Administration why they permitted an engagement on unequal terms? After acknowledging the necessity of a naval force, was it becoming a great and powerful nation like this to leave the issue doubtful, and place the conquest of the lake on the hazard of a die? The Administration is entitled, I think, to very little praise, but to just and severe censure for permitting the advantage to be against us. The victory of Lake Erie was a God-send! It rested not on any ordinary calculation.

I have not forgotten the classical and eloquent remarks which fell from the honorable gentleman from South Carolina, the chairman of the Naval Committee, (Mr. LOWNDES,) on this subject. Sir, I should blush to think I ever could forget them. They were no less creditable to their author than honorable to this House and the nation. Whoever shall attempt to add to the impression which was then made on this House, must be consoled with the reflection, that "in great attempts 'tis glorious e'en to fail." I shall not attempt it—I should only impair it. The Administration ought not to rob the individuals concerned of their well-earned laurels. The conquest of Lake Erie was effected by the bravery, the chivalric daring of Perry—the noble firmness and intrepidity of the gallant Elliott, aided and supported by the steady coolness and exertions of their officers and crews. But I must consider this Administration as answerable for not providing a force at least equal to that of the enemy. An American commander may be satisfied to meet an enemy on equal terms—for there is no glory without danger—and the fame acquired may be in proportion to the disparity of force. The Administration, however, is not justified in omitting to place our

naval force on Lake Erie on a more respectable footing; it was a neglect for which they are responsible.

In reviewing the conduct of the last campaign I confess I derive no motive for continuing the war, from the success which has attended our arms. The project of taking Canada in detail was still persevered in, and was again defeated. The plan was wrong—the execution of that plan has failed to justify the public expectation. You were to conquer the Canadas—you have not an inch of ground in either province. The President, in his late Message, seems to claim a naval superiority on Lake Ontario. Sir, with all due deference to an authority so elevated, I must be permitted to question that fact. You do not find an authority for it in the communications from that brave and excellent officer who commands the Lakes. He has always admitted the force of the enemy to be superior to his. Commodore Chauncey has been eager for an engagement; he has on every occasion courted a battle; he had no doubt of his success, but he rested on his own skill and bravery; he calculated on the activity and exertions of his officers, the discipline and steady courage of his men, not on the superiority of his force. The enemy has about twenty guns more than we have; and besides, his ships sail better and afford a more efficient squadron than ours. Let not the Administration deceive themselves; Lake Ontario is not yet theirs; another campaign is necessary to obtain it.

Has this campaign been successful? Where are your possessions in the territory of the enemy? Point me to a military post you hold in Canada. When you was forced to abandon Fort George you parted with your last foothold in Canada. Under what circumstances did you evacuate Fort George? The enemy was approaching in force too formidable to be resisted. Your commanding officer had determined to cross the Niagara, and yet with cold-blooded insensibility he burnt Newark, "the loveliest village of the plain." If General McClure panted for immortality he has obtained it; so did the miscreant who fired the temple of Ephesus. What instantly followed the burning of Newark? The enemy, exasperated at this act of wickedness and folly, crossed the Niagara, took your fort, burnt your villages, and devastated your country. I forbear, sir, to pursue this subject; I might forget the respect due to those high personages who wield the destinies of this nation: I might be led to violate the decorum of this House.

Sir, I repeat the question, is this a successful campaign? You have not a foot of land in Canada. The naval superiority on Lake Ontario is yet to be determined. Kingston, the key of the Lakes, is still in the hands of the enemy. The communication between Montreal and the Lakes is still left open; you fled with precipitation from the enemy; you have not dared to winter in Canada.

No one object of the campaign appears to be accomplished; and let me tell you, that unless the foolish project of taking Canada by detail is

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abandoned, every single step must be taken again; and yet you will tell me that your campaign is successful! Will you yet tell this nation that you find a motive for continuing the war in the success which has attended our arms! Success! What were the views; what the expectations of those who declared the war? Can any one believe that at the time of the declaration of war the conquerors of Canada would have been satisfied with the present state of things, as the result of the second campaign? Nay, would they have been content with Kingston and Montreal? No, sir! they looked for higher objects, and for nobler game. In anticipation they had already overrun the Upper Province; they marched to the Plains of Abraham, and visited the tombs of Wolf and Montgomery. Think you they would have been content with that scanty wreath of glory which had been gleaned at Malden, at Fort George, or at Little York? No! they sought that proud chaplet of laurel, which waved on the walls of Quebec; and were not to rest satisfied till the victorious talons of the American Eagle were planted in the dishevelled mane of that British Lion which yet rampantly curvets on the top of "Cape Diamond."

The whole conduct of the war has tended to disgrace our country—depress the tone and spirit of our army; while, at the same time, it has inspired the utmost confidence in the enemy. The men who joined your standard were promised a conquest, and have met with defeat. Many of the inhabitants of Canada were disposed to remain neutral; they had heard of our resources; they knew the bravery of our people; we are descended from the same ancestors with themselves; they dreaded our power; they did not so soon expect to see "Alcides beaten by his page." The events of the war are calculated to have a most serious effect; after two campaigns you are altogether in a worse situation than when you began the war. Your defeats, your disasters, and your disgrace, have encouraged the hearts and strengthened the hands of the enemy. Your conduct has fortified every post; and when you again venture on Montreal, you will find every pass to be a Thermopylæ. The Canadians find ample encouragement in your weakness and impotence. They by this time know they are not to be annihilated by the thunders of a proclamation; and they believe, too, that the walls of Quebec will not be tumbled into ruin by a Presidential manifesto.

How much money you have wasted, or how many brave men you have sacrificed in your Canada operations, is more than I can say; but until you convince me that this Administration is more competent to carry on this war than I think they are, with my consent you shall not have a dollar or a man more. This Administration has proved itself to be utterly weak and incompetent.

I come now to speak of another objection to the bill on your table. I cannot consent to give you more men.

4. Because I am utterly opposed to the princi-

ples which have been avowed in the progress of this war.

And here it is proper to state that I do not know that the known and established usages of war have been violated, except in the shameful case of burning the village of Newark. But intentions have been avowed to which I can never subscribe. The proclamations of Generals Smyth and Hull are a stain upon this nation. It is not perhaps easy to prove that they were authorized by the Administration; but they have not been disavowed; and I think this a fit occasion to exonerate myself from any participation of their guilt. I may differ from honorable gentlemen in this opinion, and I may be wrong; but I do think these proclamations deserve the severest animadversion. I intend to wash my hands of them.

The President, in his Message to Congress of November, 1812, appeals to the feeling of the nation, and, speaking of the Indians, complains "that the enemy has not scrupled to call to his aid their ruthless ferocity, armed with the horrors of those instruments of carnage which are known to spare neither age nor sex." And in his inaugural speech he says, that in the conduct of the war on our part, "No principle of justice or honor, no usage of civilized nations, no precept of courtesy or humanity, have been infringed." And again in his Message at the last session he pointed the attention of Congress to the mode of warfare which had been adopted by the enemy. This House appointed a committee whose inquiries were specially directed to the spirit and manner in which the enemy had conducted the war. A motion was made by my honorable friend and colleague (Mr. Grosvenor) so to alter the resolution, as that the committee should inquire also into the spirit and manner in which hostilities had been prosecuted on our part. This amendment was rejected. The committee then were required to confine their attention to the conduct of the enemy, without contrasting it with our own; and their report now on your table is in accordance with the resolution under which they acted.

A cry has been raised from one end of the continent to the other respecting the cruelty of the savages. Their barbarities and outrages have been used for the purpose of exciting enmity to Great Britain, and giving popularity to the war. The mode of warfare adopted by the Indians is not to find apologists in a civilized nation; let it not be thought or said that I here encourage or palliate their brutal enormities! No man in the nation detests and abhors them more than I do; I am not their advocate or apologist. Let us attend to the history of this war, and see whether we make the charge with clean hands.

Let it be remembered that we declared the war, and invaded Canada with a view to obtain our objects of Great Britain. Every man within its territorial limits was interested in the event; the white inhabitants were not the only persons concerned. The Indians have a beneficial interest in the Government, and many important

privileges under it; besides, they reap the lands they sow; they are the lords of the soil, and it could not be expected they would be idle spectators of operations, having in view to take from them their privileges, their wigwams, their corn-fields, and their hunting grounds. Opposition from them was to be expected; their mode of warfare was well known and understood; these walls have echoed to many solemn warnings on that subject. This Government knew that the invasion of Canada would be the signal for the tomahawk and the scalping knife. It became the invaders to beware! And the defenceless inhabitants of the frontier have a right to demand whether the points in difference between us and Great Britain are of sufficient importance to subject them to all the horrors which attend the war-whoop of the Indian, and the yell of the chieftain, hastening to the battle.

I well remember that, in the Summer of 1812, a great commotion was excited in the part of the country where I live, in consequence of a report that the British officers had paid forty dollars a piece for some scalps which had been taken by the Indians. How far this report is entitled to credit, I do not pretend to say. But we all know that the immortal General Smyth, on the 17th of November, 1812, (a few days before he took Canada,) in his proclamation offered the same sum (forty dollars) "for the spoils of each savage warrior who shall be killed." I said it was a few days before he took Canada! I beg pardon, upon reflection, I think he did not take Canada. Our brave and enterprising sailors and soldiers, after an obstinate contest in which many of them lost their lives, had indeed prepared the way—they had swept the British shore—no enemy appeared in sight; the hostile cannon had forgotten to thunder; the gallant and manly spirit of Brock had ascended to the hand of Him who gave it; every obstacle was removed. But there was a private soldier in the garrison at Fort Erie, of whom the living Bard of Scotland might say with truth—

"One blast upon his bugle horn
Was worth a thousand men."

It sounded! Though mellowed by distance, it went with a voice of thunder to the recreant heart of the boaster—

"That god did shake,
His coward lips did from their color fly."

The expedition was abandoned; the indignant soldiers retired to winter quarters, and Smyth was "damned to everlasting fame."

Smyth came to the frontier with honeyed accents, and the fairest professions. He came "to conquer," to be sure, but it was "to save." The army which he commanded was collected from motives of humanity; he himself was actuated by the kindest and tenderest feelings of the human heart; he came to conquer out of mere compassion! He would not suffer his "ungathered laurels" (they are still ungathered) "to be tarnished by ruthless deeds;" he would "not imitate the officers of the British King;" he would

not pay forty dollars for a white man's scalp; not he! Humanity forbade it! He only proclaimed a bounty of forty dollars for a dead red man's spoils! To requote his own quotation, "Shame where is thy blush!" I will now state the ground on which I think there is reason to believe the Administration authorized the proclamation of Smyth. He offered in that proclamation a bounty of \$200 for a horse, and \$40 for the spoils of a dead Indian. It is not to be presumed that he was to pay this bounty from his own pocket; it is more reasonable to suppose it was to be paid by the Government. I think, too, there are strong grounds to believe they were privy to the proclamation issued by General Hull. By the Message of the 4th of November, 1812, the President informs us that General Hull was sent to Detroit with a general view to security, and "in the event of war to such operations as would intercept the hostile operations of Great Britain over the savages," &c., and that he was clothed with "discretionary authority to act offensively." These extracts are sufficient to justify an opinion, that whatever General Hull did with respect to the savages, was done in pursuance of his instructions. General Hull invaded Canada, and on the 12th of July, 1812, (about twenty days after the declaration of war,) issues his memorable "proclamation;" which, extraordinary as it is, has not failed in having admirers, who have repeated, and puffed, and praised it in no ordinary terms of commendation. For my own part, I have seen in it much to blame, much to detest, much to abhor, but little indeed to admire; and I do think that those who authorized, or who have tacitly sanctioned this proclamation, ought not to claim much humanity for themselves, or clamor about the want of it in others; it is a stain on the magnanimity, no less than the humanity of this country; it boasted of our giant strength, and that we meant "to use it like a giant." It avows principles and intentions which might well become a robber and a bandit, but which are altogether disreputable to the public forces of a great, powerful, and independent nation; principles and intentions which would have been acted upon by "the old man of the mountains," the chief of the assassins, but which are utterly disgraceful to a modern commander.

I have already noticed the policy of this proclamation, so far as it was calculated to unite the enemy, and bring their utmost exertions to bear against us. It may be worth while to look at its probable effects on our own army. The soldiers with us are emphatically citizens; they enlist for short periods, at the expiration of which they return again to the mass of the people. Under such circumstances, can it be policy to excite them to acts of ferocity and barbarity? Let our soldiers be taught "all that Saracen or Christian know of war's vast art;" let them fight like lions; let them also imitate the lion's generosity and magnanimity; he preys not on carcasses. Let them wing an eagle flight for fame; but let them remember "the eagle suffers the little birds to

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sing"—let them feel like men. If the sentiments of this proclamation are publicly avowed by the Administration and proclaimed by our Generals, the Army will lose sight of every generous and magnanimous feeling; the camp become the grave of every noble passion; and the soldier returning to his situation as a citizen, instead of sitting down quiet, peaceable, and contented, will be restive and impatient under the wholesome checks and restraints of civil life.

What were the circumstances under which this proclamation was issued? The Canadians and Indians had the misfortune to inhabit a territory subject to the King of Great Britain; they were not the authors of the war; they had not infringed our maritime rights; touching the causes of the war, individually and collectively, they were innocent and unoffending. Canada was not the object of the war, it was the means of compelling Great Britain to accede to our terms of accommodation. When provinces are invaded, in consequence of aggressions received from the parent State, it is certainly reasonable that they should be treated with the utmost humanity known to modern warfare. I think, too, it may be well to consider how far an invading army can reasonably complain of the defence which the people invaded make in protecting their lives, their families, their property, and their institutions. We were the invaders; we went to seek them, they did not come to seek us; and in the proclamation itself, General Hull states that he "comes to find enemies." He vauntingly tells them that the standard of his army "waves over the territory of Canada," that he has a force sufficient "to look down all opposition." He proposes to emancipate them, against their will, "from tyranny and oppression;" and, in spite of their reluctance, to give them "the blessings of civil and religious liberty." To whom were these professions made? To the inhabitants of Canada—white men and Indians. The Indians are a constituent, efficient and numerous part of the inhabitants of Canada. It was well known, too, that, with others, they had embodied, for the common defence, to repel the invasion of their country. And yet these "inhabitants," these white men and Indians, are told; if the savages pursue their known and accustomed mode of warfare, "this war will be a war of extermination." Again: "the first stroke of the tomahawk, the first attempt with the scalping knife, will be the signal for one indiscriminate scene of desolation. No white man, found fighting by the side of an Indian, will be taken prisoner—instant destruction will be his lot." Let it be remembered that, at the time these barbarous and presumptuous threats were published, it was well known the Indians were prepared, and would take part in the war; not to commit depredations on us, but to defend themselves; not to conquer our territory, but to defend their own. The threat, then, was conditional in form, but peremptory and unconditional in fact. The first instance of Indian warfare, (which was well known would immediately follow the hostile acts of our invad-

ing army,) was to be "the signal for one indiscriminate scene of desolation." No age shall protect; no sex shall awe; no condition shall avail; all, all shall be swallowed up "in one indiscriminate scene of desolation." Again: If a white inhabitant of Canada "be found fighting by the side of an Indian inhabitant," which was well known must be the case, "he shall not be taken prisoner;" all the usages of modern warfare shall be violated; in vain shall he sue for mercy; in vain shall he bend his knee or lift his supplicating hand for quarter; "instant destruction will be his lot." Again: If the Indians were employed, (if! it was well known they were already employed,) "this will be a war of extermination."

Gracious Heaven! Are these the sentiments of a civilized nation? Are maxims like these tolerated in an enlightened age, and in a Christian country? The laws of nations does, indeed, permit you to "cry havoc, and let slip the dogs of war." But what circumstances can justify an invading enemy, in entering a foreign territory, breathing out "indiscriminate desolation," "instant destruction," and "extermination?" If these are the principles on which this war is to be conducted, shall we be called "moral traitors," if we do not afford it voluntary aid and assistance? I must, I will oppose it; I can hope for mercy only as I oppose it. Let others do as they please, I dare not support it; I dare not, as I regard my peace on earth; as I respect my hopes of heaven, I dare not.

Mr. Speaker, I have taxed the patience of the House much more severely than I had intended. I am opposed to the bill, because I am opposed to the war; because we have not the information necessary to a full conviction of the necessity of raising men at the enormous expense contemplated; because I think this Administration utterly incompetent to conduct the war to a successful issue; and because I abhor and detest the principles which have been proclaimed in its progress, which principles I think there is too much reason to believe have been authorized, or sanctioned at least, by our Administration. In discussing this subject, I have spoken with that plainness which I thought was demanded by the occasion. I hope I have not discovered a want of respect to those who differ from me in opinion. If I have "nothing extenuated," certainly I have not "set down aught in malice." Permit me, sir, to express a hope, that what I have said at this time will not subject me to be denounced as a "moral traitor" by any honorable gentleman on the other side of the House. With the definition I have given, there is no harm in it; but the term is reproachful, and must be resisted. In discussions here, it will always be my pleasure and my pride to do justice to the motives, and to respect the feelings of honorable gentlemen on the other side of the House. I claim the same justice and respect for myself. I repeat it, I hope no honorable gentleman will apply that epithet to me. Like every member of this House, I stand here on the Constitution and the law; like other hon-

orable gentlemen. I stand here on my personal responsibility. The rights of my constituents will not, I hope, be abandoned; and as to my personal rights, I shall try to do without a prompter. If a time shall ever arrive when I shall distrust the strength of my nerves to meet any occasion which may be presented in defence of my own rights, or those of my constituents, I shall go home to them, and, resigning the honor they have conferred on me, shall tell them frankly, that I am not the man to serve them in wayward times like these. But, so long as I retain my seat here, I will do my duty, "peaceably if I can, forcibly if I must."

When Mr. MILLER had concluded, the previous question was required, which precludes further debate, and decided thus:—For the previous question 76, against it 68.

The main question was then put—"Shall the bill pass?" and decided as follows:

YEAS—Messrs. Alexander, Alston, Anderson, Archer, Avery, Bard, Barnett, Beall, Bowen, Bradley, Brown, Burwell, Caldwell, Calhoun, Chappell, Cheves, Clark, Clopton, Comstock, Conard, Crawford, Creighton, Crouch, Dawson, Desha, Duvall, Earle, Eppes, Evans, Findley, Fisk of Vermont, Fisk of New York, Forney, Forsyth, Franklin, Gholson, Glasgow, Gourdin, Griffin, Grundy, Hall, Harris, Hasbrouck, Hawes, Hubbard, Humphreys, Hungerford, Ingersoll, Ingham, Jackson of Virginia, Johnson of Virginia, Kennedy, Kent of Maryland, Kerr, Kershaw, Kilbourn, Leferts, Lowndes, Lyle, Macon, McCoy, McKee, McKim, McLean, Montgomery, Moore, Murfree, Nelson, Newton, Ormsby, Parker, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ringgold, Roane, Roberts, Robertson, Sage, Sevier, Seybert, Sharp, Skinner, Smith of Pennsylvania, Smith of Virginia, Tannehill, Taylor, Telfair, Troup, Udree, Ward of New Jersey, Whitehill, Wilson of Pennsylvania, Wright, and Yancey—97.

NAYS—Messrs. Baylies of Massachusetts, Bayly of Virginia, Bigelow, Boyd, Bradbury, Brigham, Caperton, Champion, Cilley, Cooper, Cox, Culpeper, Davenport, Davis of Massachusetts, Dewey, Ely, Gaston, Geddes, Grosvenor, Hale, Huffy, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Law, Lewis, Lovett, Markell, Miller, Moffit, Moseley, Oakley, Pearson, Pickering, Pitkin, Post, Potter, John Reed, William Reed, Ridgely, Ruggles, Schureman, Sheffield, Sherwood, Shipherd, Smith of New York, Stanford, Stockton, Sturges, Taggart, Thompson, Vose, Ward of Massachusetts, Webster, Wheaton, Wilcox, Wilson of Massachusetts, and Winter—58.

Ordered, That the title be, "An act making further provision for filling the ranks of the regular army, encouraging enlistments, and authorizing the re-enlistment, for longer periods, of men whose terms of service are about to expire."

And on motion, the House adjourned until tomorrow.

SATURDAY, January 15.

A message from the Senate informed the House that the Senate have passed the bill "for the appointment of an additional Judge for the Mis-

souri Territory, and for other purposes," with amendments, in which they desire the concurrence of this House.

On motion of Mr. HEMPSTEAD,

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of continuing in force, during the war, the several acts of Congress authorizing the President of the United States to raise certain companies of rangers, for the protection of the frontier of the United States;

And, also, to make provision, by law, for giving a bounty in money and lands to those who shall engage for, and continue in, said service, until duly discharged therefrom, and a like bounty in money or lands to the heirs and representatives of those who have been or may be killed in action, or die in the service of the United States;

And, also, to provide by law for making compensation to said rangers for any damages sustained while in actual service, by loss of horses or equipments, without any fault or negligence on their part;

And, also, to provide by law for organizing the said companies of rangers into battalions, squadrons, or regiments, and for the appointment of field and staff officers for the same.

The following resolution was submitted by Mr. CREIGHTON:

Resolved, That the committee on that part of the President's Message which relates to a revision of the militia system, be instructed to inquire into the justice and expediency of providing by law for the payment of militia ordered into public service by the authority of the States and Territories, from the commencement of the war, and that they report by bill or otherwise.

The resolution was read, and ordered to lie on the table.

On motion of Mr. McLEAN,

Resolved, That the Committee on the Militia Laws be instructed to inquire into the expediency of making provision by law for the relief of the families of non-commissioned officers and privates, in the militia or volunteer corps of the United States, who have been slain by the enemy, or have died in the service since the commencement of the present war; and that they report by bill or otherwise.

The bill from the Senate for the relief of Isaac Clason, was twice read, and, on motion of Mr. NEWTON, referred to the Committee of Commerce and Manufactures, with a view to include in it other cases of a similar character.

Mr. FISK, of New York, presented a petition of Joshua Sands, late Collector of the Customs for the port of New York, praying, for reasons stated in the petition, that the certificates of debentures issued by him on exportations of foreign merchandise to the port of New Orleans, at that time under the dominion of the King of Spain, may be allowed and paid out of the public Treasury.

Ordered, That said petition be referred to the Committee of Commerce and Manufactures.

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ADVANCES OF MONEY BY STATES.

Mr. EPPES, of Virginia, called the attention of the House to the fact, that during the last year \$382,000 had been advanced by the State of Virginia, to defray the expense of measures taken for the defence of that State; the claim for payment of which had, for some cause or other, been rejected by the Treasury, though unquestionably advanced for the service of the United States. It was time that the question should be decided, on what ground such advances should stand; and the more especially as Virginia might be called upon at the ensuing season to make other advances perhaps to the same amount—which sums, having no dormant funds, it was well known she was obliged to borrow for the purpose on her own responsibility. In order to bring this question before the House in such a manner that it might be correctly understood, Mr. E. moved the following resolution:

Resolved, That the Secretary of War be instructed to lay before this House a report on the claims of the State of Virginia for moneys advanced in the service of the United States to the detachments of militia; distinguishing such claims as under existing laws can be settled, and distinguishing also such claims as cannot be adjusted and settled without the intervention of legislative provision.

This resolution was so amended, on suggestion of Mr. MACON, as to include a general inquiry as to advances made by any State; although Mr. EPPES and Mr. BURWELL objected to the amendment, on the ground that advances made by other States did not stand on the same footing as those of Virginia, which had considerably advanced in a train of settlement before they were rejected.

The resolution having been further amended, on the suggestion of Mr. HEMPHILL, so as to include the Territories as well as States, was agreed to.

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On motion of Mr. TROUP, of Georgia, the House resolved itself into a Committee of the Whole, on the bill, sent to this House from the Senate, "authorizing the President of the United States to cause certain regiments therein mentioned to be enlisted for five years, or during the war."

Mr. TROUP made a few observations in support of the bill, the passage of which became almost a matter of course after the passage of the bill yesterday. He adverted to the debate of yesterday, then so unseasonable, and made a few remarks on the idea then advanced by gentlemen from the other side of the House, of a distinction between defensive and offensive force, which he deemed preposterous and untenable.

Mr. ROBERTSON, of Louisiana, said, he rose to move an amendment. The object of the bill is to encourage enlistments in the Army. It offers a large bounty, and gives the option of engaging for five years or during the war; but the recruit might not be willing to serve for five years, because the war might not continue so long; and he might object to enlist for the war, as there

was a probability of its continuing longer. To obviate these difficulties he would move to strike out the words, "or during the war;" and insert, "if the war shall so long continue." Thus, instead of being called on to elect either of the alternatives of the bill, individuals would press forward with alacrity to fill up the ranks of the Army, when they perceived that the term of their service was limited to five years, and that in the mean time if peace was restored they would be entitled to their discharge. He would use no argument to show that a preference was due to the plan he had the honor to submit. He believed there would be but one opinion on the subject, especially when it was on all hands admitted that we had men enough already enlisted for five years for all the purposes of a peace establishment, and that in no event, on disbanding the Army, could there be any difficulty on that score.

Whilst up, without however having previously intended it, he would concisely reply to some of the remarks of the gentlemen from New Hampshire and New York, (Messrs. WEBSTER and MILLER.) He would confine himself to pointing out some of their palpable inconsistencies—but, before proceeding to do so, he felt himself impelled to notice the very extraordinary proposition of one of the representatives from Virginia (Mr. SHEPHERD.) That gentleman has gravely proposed, that the armies of the United States, raised and to be raised, should be employed only on the defensive—however fair the opportunity of striking a decisive blow, of retaliating the invasion of the enemy, the line was to be to us, and to us alone, an impassable barrier. A scheme of this kind excited his astonishment and indignation, and he hesitated not to say, that a proposition more fraught with mischief, more parricidal in its nature, was never in any age or any country submitted to the consideration of a government. The records of time, and the annals of history might be searched in vain for its parallel—it was calculated to humble and debase the nation, and worse, if worse could be. It was to say to the enemy, your own territory is safe, your forces are unnecessary for defence, we invite you to make a descent upon our seacoast, there to riot in spoil and devastation. But he would spend no more time upon it, it had met its well-deserved doom—it had been rejected, it had met the disapprobation of all those not united in systematic opposition to their own Government.

The honorable gentleman from New Hampshire has denounced the majority for having asserted from time to time, that the force of the country was sufficient for the speedy conquest of the British possessions in North America. Yet he tells us, when it is necessary to answer another purpose, that the Eastern States, nay the district which he represents, could conquer Canada in a month. It is false and absurd to suppose that the United States can subdue Canada—but it is true that a district of New Hampshire can. These opinions are contradictory and inconsistent—but if the one be false and ridiculous, how much more so is the other?

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But, says the honorable gentleman, public opinion is against you; it is that which counteracts your operations; it is that which is necessary to your success. Without denying the correctness of the principle, he would ask what better criterion for ascertaining public opinion could be adopted, than the opinions of this House? How shall we learn with more truth the sentiment of the people, than through their immediate representatives? What other mode is pointed out by the laws or the Constitution?

But to excuse or to extenuate the improper course of the minority, the gentleman invokes the practice of the Parliament of Britain—cites the example of Chatham, Fox and Barré; and says, with no little self-complacency, that it was not the opposition, but the manner of it that excited the sensibility of venal majorities; it was the splendid eloquence and keen sarcasm of these immortal men which rendered it necessary to charge on them all the misfortunes, follies, and crimes of Administration. Mr. R. would remark, that the majority of Parliament were, in some manner, compensated for the opposition of their respectable adversaries, by that very oratory so deservedly the theme of universal admiration. He doubted if the majority of Congress had any such consolation; he very much doubted if this minority had any claim to rank with their imagined prototypes; they no more displayed their talents or imitated their patriotism, than did the Government here, the bribed and corrupt and tyrannical rulers of that country, the object of its scorn and hatred.

A language is often held on this floor, (said Mr. R.) against which he would never cease to protest. However adverse from the spirit of our Constitution, however ruinous to its principles, it was convenient to the minority to arrogate to themselves that virtue which necessarily belongs to opposition to despotic institutions; but it is absurd to infer, it was false to say, that in a republic the minority were, either in regard to morality or politics, entitled to peculiar consideration. Under other forms of government, minorities were right; in representative republics, from the nature of things, they were generally wrong.

The honorable gentleman, going back to a period anterior to our Revolution, tells us that the people of the Colonies resisted Britain, because the Minister, under pretence of regulating commerce, designed to work his hand into their pockets. Are the measures of our Government calculated to produce any such effect? Does the diminution of our commerce enrich our treasury? Are not the interests of the Government and the people of the United States the same? Is it not clear that it was to counteract a second attempt (like that to resist which was once so glorious) by England, to put her hands into our pockets, to raise a revenue from our trade, by demanding toll and tribute for permission to navigate the ocean, that gave rise to the restrictive system, and brought upon us the present war? Does it belong to patriotism or common sense, at one and the same time to oppose both measures that are

oppressive, and those that are adopted to counteract them?

The honorable gentleman has reprobated and ridiculed any attack on Canada; it is idle, it is Quixotic. In such an attempt, the United States waste blood and treasure in vain—in vain you send forth your armies—you cannot prevail. But, says the honorable gentleman, turn your attention exclusively to the ocean, there a field presents itself for rational effort and enterprise. It is chimerical to think of conquering Canada; but it is wise to assail the British navy. With millions of inhabitants we can make no impression on a distant and feeble colony of the enemy; but with fair hopes we may dare their navy to the combat—a dozen armed vessels may encounter one thousand!

Mr. Chairman, the gallant achievements of our navy entitle it to the admiration and gratitude of the country; it reflects glory on the Government under which it acts; it has redeemed the wounded honor of the nation, and well may we rejoice, for great must have been its exploits, to have created an enthusiasm which unites in its praise our otherwise divided and distracted community.

We are told by the honorable gentleman, that he is prepared to vote for defensive measures, under certain limitations, and necessary reservations—offensive war is criminal and unjust; but he forgets that he has himself advised us to assail, in every possible way, the fleet of our enemy. Is not this offensive war; and does morality make a difference between discharging a broadside against a frigate and bombarding the walls of Quebec? Is it murderous to kill an Englishman in Canada, and honorable to do so at sea? To term the war offensive is a mere pretext for the shameless abandonment of every duty—that the troops to be raised are not to be employed for defence; that our own territory is to be invaded and ravaged by an unopposed foe, is an assumption the most extraordinary and preposterous. The minority do not believe it; it is not believed by one man in the nation. But this idea, flimsy as it is, is the only plea for a dissolution of obligations, in all countries and in all ages heretofore held sacred. But the honorable gentleman will aid in protecting the country only after every effort to obtain a peace shall fail; and even then, not unless the mode of defence shall be such as to meet his approbation. The truth is, the aid of the party to which he belongs will not be afforded. If the time could ever arrive when their assistance might be expected, one would suppose that when an invasion was not only threatened, but actually effected, it would not be withheld.—Whilst we listen to declarations of their willingness to shield their native land from the profanation of a hostile tread, the fact occurs. Do they unite with their Government? No, they coldly and obstinately refuse all co-operation. The enemy might be driven back, pursued, and, contrary to their principles, conquered without the bounds of our dominion.

I shall now, said Mr. R., proceed to notice some of the observations which fell from the honorable

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gentleman from New York, (Mr. MILLER,) during his long and desultory oration. The gentleman abruptly lays open his course, and states his views, the result no doubt of much mature deliberation, of profound thought, and deep investigation. He tells us what we have so often heard before, and might therefore have expected, that he is resolutely determined to vote for no measures except those of a defensive character. As the proposition of the gentleman from Virginia (Mr. SHERREY) had been already submitted and rejected, it was vain and nugatory again to bring up the question.

The gentleman gives us much hackneyed detail and common-place remark on the blunders and disasters of the late campaign, and after pouring out from an apparently inexhaustible store all the knowledge in the world, complains of a want of information. There seemed to be no information on the subject which he did not possess; but, if there was, it could be of no consequence to him, for he has given us to understand that under all possible circumstances his vote will be the same. The honorable gentleman has one all-sufficient reason for opposing the measures of the Government, namely, he chooses to do so. He therefore enters very superfluously into an enumeration of his objections, but says he does not know in what school of logic it will be objected to here, that he has given more than one good reason for his opinions. Mr. R. would by no means admit that he had given one. After various specifications, too unimportant for comment, the honorable gentleman very unceremoniously denounces the Administration as feeble and incompetent. Mr. R. said it struck him that there was something presumptuous in this accusation. The Administration was composed of men who were deemed by no inconsiderable portion of their fellow-citizens to possess some little claim to talent; they were not thought to be utterly destitute of understanding and intelligence. But the measures which so much offend the honorable gentleman, which meet with his high displeasure, are the measures of Congress, of the Legislature, not of the Executive. Their folly, and weakness, and wickedness, are chargeable to the majority of the House here present. He would say nothing of the deep sense of obligation which would be felt by his political friends when thus politely greeted; nor would he make any comment on the modesty of the honorable gentleman from New York, nor express surprise at the tenor of his remarks, for he felt none when he recollected that the honorable gentleman belonged to that party which possesses, undeniably and exclusively, all the wealth, all the virtue, and all the talents, of the country. But, amidst the terror which he spread through the Republican ranks, the Secretary of War is not only suffered to escape, but is held up as a splendid exception; his attainments are admitted, and his fitness for the office he fills allowed to be equal to that of any individual in the United States; but great and splendid as were his powers they were insufficient to redeem the country from the mischiefs and dis-

graces brought upon it by the imbecility of his coadjutors. Mr. R. would not object to the justice of this encomium on the Secretary of War; he thought highly of his talents, but he would ask if General Armstrong did not direct and control our military operations? He certainly did. He had the same influence in his department as the Secretaries of State and of the Navy in theirs. How does the gentleman, if it was of any importance, reconcile his denunciations of incompetency to carry on the war with his well merited panegyric on that individual emphatically charged with our military operations? It follows, then, in contradiction to some of the assertions of the gentleman from New York, and conformably with others, that, for all the purposes of war, the Administration is not only competent, but possessed of as much talent and as great energy as the nation affords. Thus, Mr. Chairman, said Mr. R., I have concisely given the spirit and meaning of the remarks of gentlemen in the minority. Their arguments are feeble, their facts assumed, and their assertions contradictory. When we take into consideration their acknowledged worth and abilities, their course, as well as the manner of supporting it, can only be accounted for, by recollecting the difficulty of creditably sustaining, when everything else is sacrificed to it, uniformity and consistency in systematic opposition.

Mr. SHERREY defended his amendment with energy, contending that if the withdrawing our troops from a vain attempt to take Canada, which had already cost us a sacrifice of much money and many valuable lives, and employing them in defence of our own territory, our wives and children, against the Indian tomakawk, was parricidal, he gloried in being a parricide.

Mr. MILLER answered Mr. ROBERTSON, and said: It has pleased the honorable gentleman from Louisiana to honor me with a few remarks. Like my honorable friend from New Hampshire, (Mr. WEBSTER,) I must beg of that honorable gentleman, when he honors me by his notice, to be a little more accurate in his notes, or correct in his recollection. I did not say that the present Secretary of War had more military talent than any man in the nation; I could not have said it; such an idea never entered my thoughts. I did intend when speaking of the Secretary of War, to speak of him respectfully. I spoke of him, however, comparatively. I did say, and I do think, that he has more military talent than any member of the Cabinet. But I never could have granted him more military talent than any man in the nation. Some errors of expression might have escaped me yesterday, owing to the embarrassment occasioned by the novelty of my situation. If I said what that honorable gentleman understood me to say, it was an error of the tongue; I never thought it. Such a suggestion would be underrating the military talents of my honorable friend before me. The argument of the honorable gentleman from Louisiana relating to that fact, entirely fails. He charges me, however, with inconsistency. Sir, has he proved it. The gentleman says, and he says truly, that in com-

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mon with gentlemen, with whom I have the pleasure to act, I had declared I would vote for no army except for defence; and he asks, why I should require information touching the causes of the failure of our arms; or suggest any other objection against the bill, when I had conclusively made up my mind to vote against it, on the ground of its being applied to other objects than defence; and in this I am charged with inconsistency. I know, sir, that it is one of the rules of philosophizing, that you should not assign more reasons than are necessary to explain a phenomenon; but I confess this is the first time I ever heard it stated, that because you had one good reason for rejecting a proposition, that therefore you should not assign other reasons which might be equally strong. I do not know in what school the gentleman from Louisiana learned his logic; it was not certainly the same in which I was taught. I take it, sir, I am not proved to be inconsistent.

There is another charge against me, that I am presumptuous to condemn the conduct of the war; and again, it did not besit my honorable friend from New Hampshire (Mr. W.) or myself to distinguish between the Government (Administration) and the people. The honorable gentleman further stated, that this was the war of the people, the war of this House, and the other branches of the Government. Permit me, sir, to enter my protest against the ground here taken. Is this the doctrine now held by the majority of the House? It is not the same they formerly held. How was it in '98? What was the principle then? There are honorable gentlemen now here, ask them, sir, and they will tell you these are not the doctrines then held by the majority of this House. This Administration is not to be identified with the people—this Administration is responsible to the people. The people elect their rulers—it is their right to examine the conduct of public men, and the tendency of public measures. The Administration is responsible to this House, and through it to the people. It is said by the honorable gentleman, that this is the war of this House. Be it so! Then, sir, as one of the members of this House, without presumption, I claim a right to inquire into the conduct of the war. I claim a right to criticise the competency of Administration to conduct this war to a successful issue. If it is the right of the House, it then becomes the duty of this House to inquire into that subject; and I am not fairly charged with presumption. Will the majority claim of us to grant them more men, and cannot we call for information? cannot we fairly claim to know what has become of those already placed at the disposal of Administration? We grant supplies from year to year. Before new appropriations are granted, 'tis usual, 'tis proper to know what has become of the former sums voted. Will you be thus careful of your money, and will you not be equally careful of the blood and lives of your people? The inquiry in the one case is as proper as in the other—it is more important in the latter case, in as much as the lives of our people are more valu-

able than money. I ask again, sir; is this the war of this House, and cannot I, as a member of it, canvass the manner of conducting that war, without presumption? Sir, I acknowledge no peculiar privilege in particular members of this House. Our Constitutional rights here are equal. Yes, sir! Here is my place—even I, humble indeed as are my pretensions, and humbler yet as are my merits, even I need not shrink from a comparison with any arrogant pretender for exclusive consistency or modesty, if any such is to be found here.

I trust, sir, the honorable gentleman from Louisiana, has not succeeded in fixing on me, either the charge of inconsistency or presumption.

Mr. WEBSTER, of New Hampshire, replied briefly to Mr. ROBERTSON, who took occasion to reply in turn.

Mr. TROUP opposed the proposed amendment, which he did not conceive would be so beneficial to the public service as the provision which the bill now contained.

Mr. GASTON, of North Carolina, made a few incidental remarks.

The motion of Mr. ROBERTSON was agreed to by a majority of from ten to twenty votes.

The question having been stated that the Committee rise and report the bill—

Mr. STOCKTON of New Jersey, said, that although he was not partial to the present bill, nor to the system of which it is a part, but entirely opposed to it; yet he confessed that he was not so much alarmed at the present state of our national affairs as some of his friends appeared to be. If indeed he had brought his mind to believe that this war was to be carried on until Canada was conquered—that if the large army now contemplated should not be raised by voluntary enlistment, (and he did not believe that it would be so raised,) it was the intention of the Government, as avowed on this floor by the honorable Chairman of the Military Committee, to resort to conscription—if he believed in these things, he should be really alarmed at the present state of the nation; but he entertained no serious apprehensions on either of these points. With respect to conscription, he did not believe that any Congress of the United States would be brought to pass such a bill, because he believed that it would be unconstitutional, and therefore could never receive the sanction of the two Houses of Congress; and for the further reason, that such an act would never be submitted to, but would be resisted by the freemen of the United States. He therefore felt no alarm on that point—neither did he believe that it was the intention of Government to carry on this war until Canada was conquered;—true it is that such an intention has been avowed on this floor; but, added Mr. S., take my word for it your Ministers will never open their lips on the subject of the acquisition of Canada in any negotiation for peace; and he further believed that the Government had not only given up all such designs, but also the other ostensible causes for continuing the war. Mr. S. said that he was irresistibly led to this conclusion by the fact of the

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Administration having acceded to the late proposition for a negotiation, and by a careful review of the public documents connected with that subject. That, in the recent overture made by the British Government, it had taken care to state expressly and distinctly the basis, the only basis, on which it would negotiate; that basis, was the public law of Europe and the maritime rights of Great Britain—meaning, doubtless, public law and maritime rights as the same are understood by that Government. To open a negotiation on this basis the Administration has assented, and the very act of assent in his opinion in itself is a complete dereliction of the other grounds of the war. Mr. S. said that he was fully borne out in his construction of that act by the conduct of both Governments heretofore, compared with our own, now to be collected from official documents on the table. He alluded to the correspondence of Mr. Russell and the British Minister—and to that of Admiral Warren and the Secretary of State. Soon after the commencement of hostilities, Mr. Russell, by the orders of this Government, offered to the enemy a negotiation for peace and an armistice; but demanded, in pursuance of express instructions, a suspension of impressment as a preliminary to such negotiation. Though not of much importance in itself, the British Government refused it at once. Such a basis might have carried with it some appearance of submitting the right of taking her own men on the seas. To exclude forever such an admission, she refused even a suspension during negotiation; and that too in terms which were complained of for unnecessary asperity. About the same time Admiral Warren, by the order of his Government, made substantially the same offer that is now made. The Orders in Council having been repealed, he offered an armistice, as preliminary to a negotiation on the general principles of public law and mutual rights. The Secretary of State refused the offer, for the special reason that it was not accompanied by some previous arrangement respecting impressment. The war has continued. Now this Government has assented to the same proposition in substance; and not only so, but it has assented to a proposition couched in such terms as fully to prove that Great Britain is determined not to yield an inch of her ground; and when an accompanying document of the most solemn kind, the Prince Regent's speech, charges our Government with showing no disposition to put an end to the war, which it pronounces is not to be found in the overture of Mr. Russell. To negotiate, said Mr. S., on terms of reciprocity, consistent with her understanding of the public law, she is willing; that is, she will probably agree to so regulate the exercise of her rights in future as to secure as far as is possible the real American citizen from impressment, provided this Government on its part will prevent the employment of her deserters and the abuse of American protections. Upon such matters she will negotiate, but she tells you plainly that she will not negotiate upon her right. What other conclusion then can be fairly drawn,

but that the Administration have acceded to the basis offered, and mean to obtain as favorable regulations as can be procured? If this is not the final determination of the Cabinet, this negotiation is worse than useless—it is solemn mockery—it can serve only to deceive the people and to waste the public treasure. Mr. S. said he would not impute such intentions to the Government. No, he believed that the Administration had at length abdicated their ground, had struck their colors; and he rejoiced that they had at length abandoned the vain attempt to change the public law of Europe, and by a machine of their own invention to convert the subjects of other nations into lawful soldiers, fighting against their native sovereign. He rejoiced at it because it opened a prospect of peace, and an end of the calamities of this dreadful war. The idle doctrine of free trade and sailors' rights—idle as it is now contended for—would soon, he hoped, be heard no more. I might be asked, said Mr. S., if this was the real intention of Government, why all this parade and bustle about an army of sixty thousand men? The answer was plain to his mind; it was all vapor, a mere paper operation, designed to have its effect here, and to be taken in the pockets of your Ministers. We have, added he, been famous for years in operations of this nature, and if we can wage war by proclamations and laws why not make peace? For his part he had no faith in such nostrums, and would not consent to waste ten or fifteen millions of dollars for such an experiment. Under this conviction he would not consent to any increase of the Army. He was also opposed to it for another reason—he was opposed to the war; especially to it as a war of invasion and conquest. He believed that the present Military Establishment, if properly directed and commanded, was amply sufficient to defend the country when aided by the militia—a safe and sure defence. He had voted against the former bill, and should vote against this.

Mr. GRUNDY, of Tennessee, observed, that a wish on the part of the majority of the House to despatch the public business had hitherto prevented them from entering into general discussion, and he believed the interest of the country would not justify it at this time; he should therefore confine his observations to a reply to some of the remarks made by gentlemen in the opposition. The gentleman from New Jersey (Mr. STOCKTON) asserts, that the Administration has abandoned the grounds on which the war was declared, by accepting the overture made by the British Government to negotiate at Gottenburg; and that, by the declaration contained in Mr. Monroe's letter to Lord Castlereagh, the maritime rights of Great Britain as claimed by her are recognised, and free trade and sailors' rights are abandoned. Sir, the fact is not so; and I do feel astonished that an attempt should be made to impose upon this House and the people of the United States, by mistaking the contents of a public document so lately put into the possession of each member. What is the language used by the British Minister and your Secretary of State,

from which the gentleman ventures to make his assertion? Lord Castlereagh, in his letter of November 4, 1813, says, that his Government is willing to treat "upon principles of perfect reciprocity, not inconsistent with the established maxims of public law, and with the maritime rights of the British Empire." In answer to this, Mr. Monroe states in his letter of the 5th of January, 1814, that the United States are willing to treat "on conditions of reciprocity consistent with the rights of both parties, as sovereign and independent nations." But, sir, does not the practice of impressment strike at the very sovereignty and independence of the American Republic; and, should Great Britain insist on continuing that practice, does any American believe it can be submitted to? No, sir, neither this nor any other Administration can remain in power, who will consent, that the citizens of this country shall be subject to such degradation. If Great Britain persists in her claims to enter American vessels and take therefrom American citizens, under the belief or pretence that they are her subjects, no peace can, no peace ought to be made.

The same gentleman has said, that this is designed to be an army on paper only. Here, again, the fact does not warrant the assertion. The design is to have an efficient army; an army which will make the enemy feel our strength; an army which will procure peace by their prowess and valor, if it cannot be otherwise obtained.

The honorable gentleman tells us he expects peace and rejoices at the prospect. What, I ask, is the most rational course to be pursued to enable the gentleman to realize this prospect? Is it by placing your country in such a situation as to manifest to the enemy your inability to do him damage, or is it rather by calling out the resources of the country, which will enable you to carry on the war with effect should the negotiation fail? Suppose the gentleman should be disappointed, and the negotiation shortly to commence at Gottenburg should not result in a treaty, what then will be the condition of this country? You will then be engaged in a war without any of the means provided for prosecuting it. This is surely a state of things greatly to be deprecated, and, should the negotiation not succeed, this must be our situation, if the course advocated by the Opposition be adopted.

Sir, the true policy which should be pursued is plain and obvious. If a just and honorable peace can be obtained, accept of it. If the enemy will not make such a peace, be ready to prosecute the war vigorously until you force him to yield to your just claims.

Permit me to examine, for a few moments, the ground now for the first time taken on this floor. Gentlemen say that they would grant men and money for defensive operations, but not for offensive operations; and on yesterday a gentleman from Virginia (Mr. SHEFFEY) went so far as to offer an amendment, by which the army to be raised were not to be permitted to go beyond the limits of the United States.

Sir, under the Constitution of the United States, Congress has the power to declare war; it has done so. Congress has the power to furnish the means to prosecute it; but the application of the means when provided belongs to the Executive department. The President is to decide how far offensive or defensive operations are expedient. Suppose you had not only the power of raising armies, but of giving direction to them, would not the plan proposed by the gentleman from Virginia be absurd? Consult history; what nation, when at war, ever declared that its armies should not enter the territory of the enemy? No, sir, so silly an idea was never entertained by any nation, ancient or modern. What! tie your own Government when at war, and place your enemy at liberty? Will you say to the military force of Great Britain, you may attack us when and where you please, but you are safe, your borders shall not be passed? What will take place, should the principle contended for be adopted? The enemy, with one-tenth of the force which you keep in the field, will harass and lay waste your country; not fearing an incursion from the American army, they will select a place for attack weaker than their own force, and in succession destroy all your military posts, provided their whole force taken together is greater than yours, dispersed and taken separately. Farther, sir; any man acquainted with the vast extent of our frontier, will be satisfied that, in the course of three years' war, it will require more men and money to defend this country against the incursions of the enemy than would be necessary to sweep the British power from her American possessions. Look at your Northern frontier, four or five hundred miles adjoining the territory of the enemy. If you will not attack beyond your own limits, this seven millions of people cannot protect this frontier, if the enemy distinctly understands that they are not to be invaded.

For my part, I am unable to see on what principle the gentleman from Virginia, and those with whom he acts on this floor, can justify their conduct in refusing the men now required. For defence they say everything shall be granted, but, because they fear the Executive will use a portion of this force offensively, they will furnish no force whatever. In other words, under an apprehension that Canada will be invaded, they will leave their own country defenceless, and at the mercy of the enemy. Sir, this proceeding is, to my mind, unaccountable. I suppose the true course to be, to do the enemy all the injury you can, consistent with the usages of civilized warfare, and not permit our sympathies for those with whom we are at war to expose our own citizens to destruction.

The gentleman from New Hampshire (Mr. WEBSTER) advises us to abandon the project of conquering Canada, and turn our force to the ocean, and the will of the nation will go with us. Sir, does that gentleman believe we can safely rely on a declaration of this sort? Has it not been declared by the Opposition that this is an

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unjust and wicked war, and therefore they will not support it? Would changing the elements on which it is to be carried on, change the character of the war, or the principles on which it was declared and is now supported? The same gentleman has said, that, as public opinion is so much divided, it becomes the duty of the majority to adopt the course recommended by the minority, and thereby produce union. We answer, that this war was declared to secure the sovereignty and independence of these States; that we consider its vigorous prosecution essential to their preservation; and, anxious as we are to see union restored, the sacrifice asked for is too great. And, in my turn, I would submit to honorable gentlemen whether it would not be more reasonable and more consistent with the principles of this Government, that the minority should surrender their opposition, and unite with the majority in prosecuting the war? They say, that all the men and money required by us shall be granted; but, what conditions do they impose? That they (the minority) shall make the application of the force. In fact, they contend for the principle that the minority shall substantially govern!

Sir, a sentiment I expressed at the last session, respecting the conduct of a portion of the Opposition, has been much complained of. I then said, and I now repeat, that those who systematically oppose the filling of the loans, and the enlistment of soldiers, are, in my opinion, guilty of moral treason. By this, I by no means intend to censure those, who, in the exercise of a Constitutional right, express their opinions freely against the expediency of having declared the war, or those who, from choice, withhold their own money from the public service; but those are intended, who, after the respective laws were passed, exerted their influence to prevent others from carrying them into effect.

I wish gentlemen would discuss this point fairly and coolly with me. Sir, I challenge them to produce their arguments, and ascertain on which side truth is to be found. Take the case I formerly stated, and answer it. An individual goes over, joins the ranks of the enemy, and raises his arms against his country: he is clearly guilty of treason under the Constitution, the overt act being consummated. Suppose the same individual not to go over to the enemy, but to remain in his own neighborhood, and by means of his influence to dissuade ten men from enlisting; I ask, in which case has he benefitted the enemy and injured his country most? In the latter, no doubt; because he has weakened his country more than he would have strengthened the enemy by going over to him. In the fashionable language of the day, were I to inquire *quo animo* have men organized themselves to prevent the enlistments and filling the loans? the answer is clear—to weaken the United States, and give to the enemy the advantage over our arms.

Although, Mr. Chairman, I first advanced this doctrine of moral treason on this floor, it has much higher authority for its support; and, if gentlemen will not be influenced by anything I

can say on the subject, surely those in this House who have learned wisdom from the accents which fell from his tongue, will regard the sentiments delivered by the venerable Dr. Witherspoon on a similar occasion.

During the Revolution, he addressed a letter to his Scottish brethren in America, in which, to show them the course of conduct they ought to pursue, he states the case of a vessel at sea being in danger; a consultation is held by the crew, in which each individual delivers his sentiments freely, and a majority determine that it is necessary, for the safety of the vessel and crew, to go to a particular port. Some of the mariners, dissatisfied with the determination, throw obstacles in the way, and refuse to perform the duties assigned them. He then asks, emphatically, what would be done with those refractory men? He answers, they would be thrown overboard in a shorter time than he had used in stating the case. I cannot, Mr. Chairman, distinguish between the state of the country when this sentiment was delivered by that enlightened scholar and statesman and the present.

I have said, I should not at this time go into an examination of the causes which produced the war, because too much time would be consumed by a discussion of such topics; but, whenever the necessary progress of public measures shall not forbid it, I shall not avoid a debate of that kind. I feel confident that every discussion of that nature will have a tendency to unite the American people in support of their rights and independence.

Mr. GROSVENOR, of New York, in a speech of some length and considerable warmth and energy, replied to Mr. GRUNDY, and to some gentlemen who spoke yesterday.

Mr. CALHOUN did not rise, he said, to examine on what terms the President had assented to negotiate with the British Government; because he conceived it neither pertinent to the present question, nor proper at this time. He deemed it, however, his duty to state, that he wholly dissented from the construction which our opponents gave to the documents connected with this subject. If a proper opportunity should hereafter occur he would be happy to present the reasons for his opinion on this point.

He was induced to occupy the time of the Committee at present, to correct two essential errors, which gentlemen in the opposition have introduced into the discussion of this question; and, although not immediately connected with the merits of the bill, he thought it proper that they should be answered; because, from all that he had ever heard, as well on this as former occasions, it seemed to him that they constituted the basis on which the minority rested their justification. He alluded to the character which they gave to the war; and the claim set up in a political and Constitutional point of view to justify their opposition. Gentlemen contend that this is not a defensive but an offensive war; and under that character undertake its denunciation, without ever condescending to state what in their

opinion constitutes the characteristic difference between them. He claimed the attention of the Committee while he examined this point; and he hoped that it would not be considered as a mere verbal criticism, since our opponents have made the distinction the foundation of so much declamation against the war. The inquiry, in another point of view, he believed, would be useful. The people of this country have an aversion to an offensive war; which he supposed interpreted the meaning of the vehemence of the Opposition on this subject; while they readily acknowledge the possible necessity and justice of one that is defensive. It is therefore proper, that our ideas on this point should be fixed with precision and certainty. He would lay it down as an universal criterion, that a war is offensive or defensive, not by the mode of carrying it on, which is an immaterial circumstance, but by the motive and cause which led to it. If it has its origin in ambition, avarice, or any of the like passions, then is it offensive; but if, on the contrary, to repel insult, injury, or oppression, it is of an opposite character, and is defensive. The truth of this position would not require much discussion. He conceived that it might safely rely on the authority of the best writers on the subject, or on its own internal evidence. It is only in this view that the prevalent feelings on this subject can be explained. If the distinction taken is a correct one; if the two species of war are distinguishable in their cause and motive, then our aversion to the one and approbation of the other is no longer a mystery—it is founded in the nature of things. But if, on the contrary, it is true that they are distinguished by the mere accidental circumstance of the mode of carrying them on, that the scene of action should make them the one or the other, then the feelings of this country, by which it condemns or approves of either species, is a profound mystery, never to be explained. In the view which he had presented, the difference between an offensive and defensive war is of the moral kind; and the American sense of justice accounts for their feelings. Their exemption from ambition and love of justice preserves them from the former, while their manly spirit and good sense will always make them cheerfully meet the other whenever it becomes necessary. What, then, is the character of the war in which we are now engaged? Was it dictated by avarice or love of conquest? He appealed to our opponents for a decision. They have already decided. When the resolutions of the gentleman from New Hampshire were under discussion, at the last session, it was repeated till the ear was fatigued, by every one on that side of the House who took any part in the debate, that if the repeal of the Berlin and Milan decrees had been communicated in time to the British Government, the Orders in Council would have been repealed; and, had the last event happened, the war would not have been declared. They then have acknowledged, that the Orders in Council, and not the conquest of Canada, as they now pretend, was the cause of the war; and it would be idle to inquire whether to resist them

was in its nature offensive or defensive. It would be to inquire whether they were or were not an injury to our commerce; a point he had never heard denied by the most obstinate debater. It would be equally so to examine whether the cause of continuing the war, to protect our seamen from impressment, is of an offensive or defensive character.

Very few have the hardihood to deny that it is an injury of the most serious kind, both as it regards the Government, and the unhappy subjects of its operations. It involved the most sacred obligation which can bind the body politic to the citizen; he meant that of protection, due alike to all; to the beggar in the street—much more, if susceptible of degrees, to our sailors, that class of the community who have added so much to the wealth and renown of this country. Having thus established the character of the war in its origin and continuance, he would lay down as a rule not less clear, that a defensive war does not become offensive by being carried beyond the limits of our territory. The motive and cause will ever give character; all the rest are mere essential incidents. When once declared, the only question, even in a defensive war, is, how can it be carried on with the greatest effect. The reverse of this involves the most glaring absurdity. It supposes that we had determined to compel our enemy to respect our rights; and at the same time voluntarily renounced, what is acknowledged to be the best and most effectual mode of producing that effect. On this point, as well as the cause of the war, the opinion of our opponents may be arrayed against themselves. What have they advised as to the mode of carrying on the war? Withdraw your troops from Canada, reduce your army, and limit your operations to the ocean. What! to the ocean? Carry the war beyond our own territory! make it offensive! The gentlemen surely do not intend to support an offensive war. To use their own language, it is too immoral for a virtuous and religious people. It is then admitted, that it does not cease to be offensive by its being waged at sea; how then can the carrying it into Canada change its character?

Mr. C. again observed, that it was a mere question of expediency where and how the war ought to be prosecuted. For his part, so long as it continued, he thought no effort ought to be wanting to reduce Canada. Should success accompany our arms, we would be indemnified for the privations and expenses of the war, by the acquisition of an extensive and valuable territory, and the permanent peace and security which it would afford a large portion of our country; and even, in the worst event, should we fail of conquest, the attempt will not be without great advantages. The war in Canada is the best security to every part of our country. We have a very extended, and, from the thinness of the population, in many places weak seacoast. He did not believe that it had been neglected, as represented by the gentleman from New Hampshire; but he did believe that many points are, and must from necessity

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be, without efficient protection. He would, however, ask that gentleman, how did it happen that this coast, so easily assailed by a maritime Power, has sustained little or no damage in a war that has continued upwards of eighteen months? If he is at a loss for an answer, the scheme of his political friend from Virginia, (Mr. SHEFFEY,) to confine our troops to the defensive, should it succeed, would the next Summer amply explain the fact. The truth is, that the war in Canada is the security of the coast. It compels the enemy to concentrate the whole of his disposable force there for the defence of his own territory. Were the absurd policy to be adopted to confine the operation of our troops within our own limits, the whole of the enemy's force in Canada would be liberated from its defence, and the entire line of our seacoast menaced with destruction. The enemy, masters on the ocean, could act with such celerity, that it would be either impossible to defend ourselves, or it must be done at an expense greater than would be necessary to reduce his possessions. Thus, even under the limited view of defence, the most effectual mode is that which has been adopted—to carry the war into the enemy's country; and our opponents ought, according to their own distinction, to grant every aid in men and money.

Mr. C. said, that although not immediately in point, he could not refrain from observing that, of all the arguments he had ever heard since he had had the honor of a seat in this House, those were by far the most extravagant which have been urged against the conquest of Canada. He had heard it characterized by every epithet which indicated vice or weakness. The advancers of such arguments surely did not reflect that, in their zeal to assail the majority, they were uttering libels on the founders of our liberty and empire. This scheme of conquest, this project of ambition, this product of folly and vice, as it has been liberally called, originated with those men to whom America owes so much, and whose wisdom and virtue is acknowledged by the world. It was by them thought an object worthy of the treasures and the best blood of the country; and, finally, relinquished by them with reluctance, and from necessity only.

Mr. C. said, it now remained to consider the defence which gentlemen have made for their opposition to the war and the policy of their country; a subject which he conceives is of the greatest importance, not only as affecting the result of the present contest, but the lasting peace and prosperity of our country. They assume as a fact, that opposition is in its nature harmless; and that the calamities which have afflicted free States have originated in the blunders and folly of the Government, and not from the perverseness of opposition. Opposition, say they, is a very convenient thing; a wicked and foolish Administration never fail to attribute all of their miscarriages to it; and, in confirmation of this doctrine, they appeal to Lord North's administration. He did not intend to examine the particular case to which gentlemen have with so much parade re-

ferred, as it did not fall in the course of his argument; but he thought that it could be easily proven to be essentially different, in character and consequence, from the opposition in this country. He conceived, however, that it would be proper, before he examined the general position taken over the way, to make a single remark, as it related to the British Government, on this subject. It struck him, that all arguments drawn from it on this point must be essentially erroneous. A more determined and vehement opposition there, is not only justifiable, but in some measure required. The difference in the two Governments, in this respect, results from a difference in the organization of their respective Executives. In England, such is its power, patronage, and consequent influence; such the veneration, which its hereditary quality and long descent possess over the subjects of that Empire, that her most enlightened statesmen have ever thought that it endangered the other branches of her Government, and have with much wisdom, ever since the dawn of liberty in that country, strenuously opposed its encroachments. Very different is the case here, under a Government purely Republican. It presents neither the cause to justify such vehemence of opposition, nor the means of restraining it when excited. But, even as applied to our Government, he would readily acknowledge there was a species of opposition, both innocent and useful. Opposition simply implies contrariety of opinion; and, when used in the abstract, it admitted neither censure nor praise. It cannot be said to be either good or bad; useful or pernicious. It is not from itself, but from the connected circumstances, that it derives its character. When it is simply the result of that diversity in the structure of our intellect, which conducts to different conclusions on the same subject, and is confined within those bounds which love of country and political honesty prescribe, it is one of the most useful guardians of liberty. It excites gentle collision, prompts to due vigilance, a quality so indispensable, and at the same time so opposite to our nature, and results in the establishment of an enlightened policy and useful laws. Such are its qualities when united with patriotism and moderation. But in many instances it assumes a far different character. Combined with faction and ambition, it bursts those limits, within which it may usefully act, and becomes the first of political evils. If, sir, the gentlemen on the other side of the House intended to include this last species of opposition, as he was warranted to infer from their expression, when they spoke of its harmless character, then have they made an assertion in direct contradiction to reason, experience, and all history. A factious opposition is compounded of such elements, that no reflecting man will ever consider it as harmless. The fiercest and most ungovernable passions of our nature, ambition, pride, rivalry, and hate, enter into its dangerous composition—made still more so by its power of delusion, by which its projects against Government are covered in most instances, even to the eyes of its victims, by the

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specious show of patriotism. Thus constituted, who can estimate its force? Where can benevolent and social feelings be found sufficiently strong to counteract its progress? Is love of country? Alas! the attachment to a party becomes stronger than that to our country. A factious opposition sickens at the sight of the prosperity and success of the country. Common adversity is its life; general prosperity its death. Nor is it only over our virtuous sentiments that this bane of freedom triumphs. Even the selfish passions of our nature, planted in our bosom for our individual safety, afford no obstacle to its progress. It is this opposition which gentlemen call harmless, and treat with so much respect; it is this moral treason, to use the language of his friend from Tennessee, (Mr. GRUNDY,) which has in all ages and countries ever proved the most deadly foe to freedom. Nor is it then only dangerous, when it breaks forth into open treason and rebellion. Without resort to violence, it is capable in a thousand ways to counteract and deaden all the motions of Government; to render its policy wavering, and to compel it to submit to schemes of aggrandizement on the part of other Governments; or, if resistance is determined on, to render it feeble and ineffectual. Do gentlemen ask for instances? Unhappily, they are but too numerous. Where shall they not be found? Admired and lamented Republics of antiquity!—Athens, Carthage, and Rome—you are the victims and witnesses of the fell spirit of factious opposition. Fatal fields of Zama and Chéronée! you can attest its destructive cruelty. What is the history of Polybius, and that of the other historians of the free States of antiquity? What the political speeches of Cicero, and the orations of Demosthenes, those models of eloquence and wisdom, but volumes of evidence, attesting that an opposition founded in faction, unrestrained by moderation and a regard to the general welfare, is the most dangerous of political evils. Nor does antiquity alone testify. The history of modern times is pregnant with examples. What, he would ask, have become of the free States of modern Italy, which once flourished in wealth and power—Florence, Genoa, Venice, and many others? What of the United Provinces and Switzerland? Gone; perished under the deadly feuds of opposition. Even England, with her deep-rooted and powerful Executive, has not been free from its pernicious effect. What arrested the war of Marlborough, when France was so humbled that, had it been continued, Europe might have been free from the danger which she has experienced from that Power? What staid the conquering hand of Chatham, when before his genius and power the throne of the Bourbons trembled to its centre? The spirit of factious opposition, that common cause of calamity, that without which liberty might be eternal, and free States irresistible.

Our country, as young as she is, also has her examples. In the war of the Revolution had she been united to a man; had there been no apologists of opposition; had no one opposed his will

to the general determination, would the enemy ever had a hold in our country, or would that contest have lasted for a year, or would we have been indebted to foreign aid for the establishment of our independence? Even in this war, how much has it debilitated the energies of our country! The gentleman from New Hampshire, who spoke with ingenuity on this subject, told us that if we were united the Canadas would be reduced in thirty days; and that in consequence of our disasters, springing from our divisions, we had been disgraced. What more could he say on the fatal effect of opposition? Mr. C. appealed to that gentleman to state the cause of our divisions; and would ask him, whether, with the certain knowledge of its pernicious effect, every means that could excite opposition had not been unceasingly applied? To obviate the natural conclusion, the gentleman from New Hampshire was compelled to deny that the party now in power is a majority in this country; and to contend that the representation in this body furnishes no evidence of that fact. He argued, that many who are opposed to the war were from party motives induced to vote for those in favor of it. Even admitting the argument to be well founded, which he did not think, might it not be retorted? He would be glad to know why the rule does not apply to the minority in an equal degree? Until he assigned some reason why it did not, he must continue to consider the majority here, as representing a great majority of the nation; and the minority as opposing the will of that majority.

Mr. C. said, that the pretensions and declarations of the gentlemen on the other side of the House, had compelled him to make these general observations. He knew not how else they could be met, and he thought these arguments were fraught with doctrines so erroneous and dangerous, that it was his duty to present their falsity in the best manner in his power to this House and nation. From the same sense of duty, he felt bound to offer his sentiments on a subject of great delicacy; he meant on the character of the opposition which the Government has experienced since the commencement of the present difficulties in 1806, and to inquire under which of the two species of opposition, the moderate and useful, or factious and dangerous, it ought to be arranged. It was with pain he would make this inquiry. He took no pleasure in perceiving the faults of any part of our citizens, much less in presenting them to the public. His object was not to expose, but to reform; to admonish of a danger so natural to free States, to which all opposition, even of the most virtuous kind, so easily degenerates, if not incessantly watched; and to call on them, while yet possible, to arrest its fatal career. It is important to know, that there is a stage in the progress of opposition, which gentlemen consider as harmless, which when once attained, no power can arrest; not love of country; not even the certainty of being involved in the common destruction. Has it made any progress in this country to so dangerous a state? He feared there were appearances which would justify such a belief. One of its most nat-

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ural symptoms, was a settled and fixed character, which, as its object was to embarrass and weaken Government, lost no opportunity to throw impediments in the way of every measure. It had two other concomitants; the one, a violence and vehemence not warranted by any considerations of expediency; and the other, urging of measures, which, if adopted, must lead to national ruin. It seemed to him that there were reasons to believe that the whole of these existed in the present Opposition. Is it not settled and fixed? In an unexampled state of national difficulties, from the first belligerent decree against our neutral commerce down to this day, he would ask which one of all the measures of our Government to resist this almost universal depredation, that has not, under one pretext or another, been opposed, ridiculed and weakened? Yes, opposed with a violence that would lead to a belief that the constituted authorities, instead of opposing the most gross and outrageous injustice, sought only the destruction of their country. Again, what have been the measures that the Opposition has virtually urged? What is it at this moment? Withhold the laws; withhold the loans; withhold the men who are to fight our battles; or, in other words, to destroy public faith, and deliver the country unarmed to the mercy of the enemy. Suppose all of their objects accomplished, and what would be the situation of the country? He appealed to the people for a decision. Nor are those morbid symptoms confined to this body. The contagion has gone forth into the community, and, wherever it has appeared, has exhibited the same dangerous appearances. The inquiry might be pushed much farther; but he would abstain from it, as it was to him by no means a pleasant task. But, say the gentlemen on the other side of the House, what right have we to object? the Constitution justifies and secures them in opposition to the measures of Government. They claim to be not only above laws, but beyond animadversion. It is in their eyes fair and proper that the majority, who act under the undoubted and express sanction of the Constitution, should be subjected to every species of abuse and impediment; but should any one question the right or the expediency of the opposition, we hear an immediate cry of oppression. For his part, he thought that a fair and moderate opposition ought at all times to be respected; but that our Constitution authorized that dangerous and vicious species, which he had attempted to describe, he utterly denied. He called on those who made the claim to so extravagant a power, to point out the article of that instrument which would warrant such a construction. Will they cite that which establishes the liberty of speech here? Its object was far different; and it furnishes not the shadow of such a power. Will they rely on its general spirit? It knows no object but the general good, and must forever condemn all fictitious opposition to measures emanating from its own authority. It is then not authorized either by the letter or the spirit of the Constitution. If then our opponents have the

right, it is because it is not expressly forbidden. In this sense, there is no limitation to their Constitutional rights. A right might be thus derived to violate the whole decalogue. The Constitution forbids almost no crimes; nor ought it to be considered in the light of a voluminous penal code, whose object was the definition and prohibition of all acts injurious to society. Even had this been the case, the argument, that what is not forbid is justified, would be fallacious; for there are many acts of the most dangerous tendency, (of which an unprincipled opposition is one,) which in their very nature are not susceptible of that rigid definition necessary to subject them to punishment. How absurd, then, the argument, as applied to the Constitution, whose object is the mere enumeration, distribution, and organization of the powers of the body politic!

Mr. C. concluded by again observing, that he was compelled by the great and dangerous errors of the gentlemen on the other side, to take a view more general, than what was usually proper, of a subject on which it was so important to think correctly; and he could not take his seat without reiterating his admonition to this body and the country, to guard against the pernicious effect of a factious opposition. Universal experience and the history of all ages furnish ample testimony of its dangerous consequences, particularly in a state of war. Could any certain remedy be applied to restrain it within the bounds of moderation, then, indeed, might our liberty be immortal. He knew of none but the good sense and the virtue of the people. The triumph of a party can be nothing to them. They can have no interest but in the general welfare.

Mr. INGERSOLL said he had been for some time endeavoring to get the floor for the purpose of expressing his amazement and protest at the monstrous sentiments broached by the gentleman from New Jersey, (Mr. STOCKTON.) But before I proceed, said Mr. I., to their consideration, I ask to be indulged for a few moments while I rescue myself from misapprehension and my constituents from erroneous impression. The honorable gentleman from New York who yesterday recapitulated all the disasters of our armies, (Mr. MILLER,) took occasion to animadvert on my assertion of the popularity of the conquest of Canada in my section of the country; and inquired, triumphantly as he seemed to think, why, if they held such opinions, my fellow-citizens did not maintain them in arms? Where their patriotism was to be found, if such were their predilections? Why they did not apply their force to the accomplishment of their views in this respect? I could have easily answered all that honorable gentleman's interrogatories by a short explanation as he proceeded, if I had cared to disturb him by the intrusion of an unwelcome fact; to spoil the elaborate and nicely tessellated superstructure he employed his fancy in building up. But now that such an injury will not be done to the fabric of his eloquence, allow me to give that gentleman to understand that the district I have the honor in part unworthily to represent, has contributed

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I believe, not less than three thousand soldiers to the regular Army of their country; who have been marched to the frontiers, and conspicuous in every action. If the best uses have not been made of such a contingent; if it has been mismanaged, mal-organized or ill-distributed, that is not the fault of the men themselves, or of the district which afforded them. The district and its citizens have done their duties on the occasion; and no gentleman can impute blame to them, who is informed of the testimonials, the practical testimonials of their patriotism.

Another honorable gentleman from New York, (Mr. GROSVENOR,) who spoke to-day, seems to flatter himself with having detected me in an incautious acknowledgment respecting the conquest of Canada, which he is pleased to account a very important, and hitherto undivulged, concession. It is possible, sir, that in the course of desultory observation yesterday, I may have given breath to the opinion ascribed to me by that gentleman; but I doubt it. Whatever my private feelings and views may be, I trust that what I said was not deficient in a due circumspection. I believe I did not assert the conquest of Canada as *per se* a sufficient cause for the declaration of war, nor *per se* a sufficient cause for its prosecution. I spoke of such a measure, not as the end, but the means of hostilities. I alluded to its popularity, not originally, not without provocation; but in answer to the assertion of its unpopularity by an honorable gentleman from New Hampshire, (Mr. WEBSTER,) to whom the introduction of the Canadian discussion is ascribable, and who declared the measure to be unpopular, unjustifiable, and impracticable. In maintaining its popularity in that part of the country from which I come, I may, as I do, without hesitation, aver that it is popular not only in the city of Philadelphia, and my particular district, but throughout the whole State of Pennsylvania. In mentioning this sentiment of my constituents, I consider myself to be actuated by the wisest and most congenial principles that can actuate a republican representative of any portion of the American people. Sir, while a measure is popular, I always consider that the best reason that it is right. Let the people change their sentiments, give me satisfactory evidence of that change, and I shall instantly pause; I shall question my own conviction of what is just and expedient. I am not one of those, who, confounding a popular prepossession with a monarchical prejudice, set myself to show that a large majority must be in the wrong, and a small minority in the right. I am not one of those who denounce the policy of a republican majority as if it were the mere ministry of an hereditary monarch. Such doctrines are the inheritance of the incogruous principles of the British Government. As has been most conclusively shown by the honorable gentleman from Louisiana, (Mr. ROBERTSON,) they have no analogy to the state of things under a republican government whose structure is such as ours. According to my persuasion, majority bespeaks popularity, and popularity in-

volves right. I have great faith in the instincts of the people. I prefer those instincts to the reasoning faculties of honorable gentlemen. With their impulse to sustain me, with the *vis a tergo* of popularity to propel me forward, I proceed with a confidence that justice and sound policy are on my side. Take that support from under me and I say again that I should pause, and, if convinced of a change in the current of popular sentiment, relinquish what I might have deemed an object to be desired.

The honorable gentleman from New York (Mr. GROSVENOR) was too liberal in his Canadian premises. Nineteen Canadas are seventeen more than we want. Two will answer all our purposes. Nor do we desire even one by reason especially of any specific pecuniary value at which such an acquisition may be estimated. I do not know, I am not able to form an idea of their value by such a mode of calculation. My mode of reckoning is a different one. We want Canada and the mouths of the St. Lawrence now, as we wanted Louisiana and the mouths of the Mississippi ten years ago. We want the latter for reasons similar to those which induced our desire for the former. The same policy which dictated the necessity in the one case dictates it in the other. We were anxious formerly to be liberated from the neighborhood, the contiguity of the great France. We are anxious now to be liberated from the neighborhood, the contiguity of the Great Britain. We want no such flanks to our body politic, on either side. We have possessed ourselves of the one, and we need the other, to consummate the Continental integrity of the American Republic.

As to a pecuniary value, that gentleman indeed may mention it. But what would the reception be of such an intimation from this side of the House? What was said, when, in time of profound peace, and when our policy was immovably pacific, the wish was expressed to purchase Louisiana? Out upon it! cried an honorable Senator from New York. For shame! added another, at that time from Pennsylvania. Contemptible, pitiful, wretched policy! Buy what you ought to take by force! Meanly purchase what is yours by the right of nature! Never. Call out your troops, your regulars and your volunteers—march down upon the province—take it—keep it—conquer it—and enjoy the conquest!

Sir, we cannot purchase Canada while waging war upon its owners, or I do not know whether such a bargain might not be worth considering. We did purchase Louisiana when we had the opportunity; and all succeeding experience has tended to establish the inestimable value of that acquisition. I cannot leave this part of the subject without observing, that should the annexation of the Canadas to our Confederacy, by any means, ever give us on this floor republican representatives from that quarter of the Continent willing and able to repel the Colonial ideas of English precedent, and to assert the independent positions of American principles, in as masterly a manner as we have this day heard from the

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gentleman from Louisiana, I am free to say, for one, that a new and most interesting inducement is superadded to the many already existing and familiar to us, why we should persevere in every endeavor for accomplishing the object.

The honorable gentleman from New York (Mr. GROSVEENOR) has ingrafted an importance on this attainment, greater, I must confess, than I was prepared to subscribe to. I had not considered the Canadas so natural an insertion into our Union as he appears to think them, nor their finally falling into our embrace an event so much within the ordinary and inevitable course of things. I had regarded them rather as only one of the present means, while hostilities prevail with England, for forcing the recognition of those great maritime immunities, the flag of whose protection the honorable gentleman from New Jersey, (Mr. SROCKTON,) whose views I now proceed to consider—the flag of whose protection that honorable gentleman rejoices has been struck; the flag of whose gallant and inimitable champions—which has never been tarnished, amidst all our disasters and depressions—I mean our disasters on the land—has never ceased to wave, the unrivalled banner of triumph and renown. Gracious God, defend my mind from the entertainment of such a sentiment! Keep me, at all events, from giving it utterance in this Hall of the Representatives of the American people, sacred to the assertion of their rights and the redress of their grievances. What are those principles, sir; what are they at the prospect of whose abandonment that gentleman rejoices; at the thought of whose desertion any gentleman can indulge in public exultation? They are,

First. A regulation of the British extension by construction of blockade.

Second. A limitation of their inordinate catalogue of contraband.

Third. No search for men.

Fourth. A qualified, ascertained, and moderated search for things.

They are the lineal offspring of those precious birthrights for which our forefathers invincibly contended, till they wrung from Great Britain their most reluctant acknowledgment. They are the privileges which she now invades and spoils; principles which are so dear to this country that I trust in God they will never be abandoned while a man remains for their defence.

And is it to strike the flag of these rights that the presiding officer of this House is to be taken from his elevated station—a gentleman whose private worth and public eminence are the fairest type of that majority to which he belongs—and sent three thousand miles, to the uppermost end of Europe, on this errand of his country's degradation? Is it to strike this flag, to prostrate it in the dust at the feet of our oppressors, in the sight of all Europe, that the principal representative of the whole body of the people's representatives, imbued with all their feelings, pledged to all their principles, is to be despatched from Washington to Gottenburg? Is the Speaker of this House to be made to repair to where the ves-

tiges are still unobliterated of the Northern Confederacy, there to lay down before the maritime tyrants of the world those inalienable maritime rights which we hold in common with all independent nations by the same universal charter? Can this be so? Should it be so? Need it be so? We have been told more than once that Admiral Warren is on the American coast, authorized and ready to receive, at any time, those concessions which we, forsooth, prefer to blazon forth in a solemn mission over the Atlantic. If, then, the flag of the country is to be struck, would it not be better, safer, cheaper, easier, less galling, to strike it nearer home? To save ourselves the costly misery of passing over seas with its capitulation? No, sir, no; such is not the motive to the mission. Such is not the subdued spirit with which the English overtures have been met and acceded to. The American flag has not been struck. It never must be struck. It never will be removed from that mast where it floats, and will ever float, the glorious banner of "Free Trade and Sailors' Rights."

And is this an earnest, sir, of the policy we are to expect when the honorable gentleman from New Jersey comes into the government of our affairs? Allow me, in the first place, to remark that I cannot, for my part, perceive the public evidences, so obvious to him, of such a change being at hand. Changes have, indeed, taken place. Since the last Summer session there have been two in the delegation from the State of New York; but, in both instances, they have been substitutions of advocates of the war for its antagonists. One gentleman who took his seat last session, if I am not mistaken, has left it vacant this, without a struggle, to his competitor. Another venerable member having thought proper to resign, his chair is to be occupied by a representative coming from the great commercial emporium of the continent, with no antipathies, I am told, to the cause in which we are engaged.

How is it, sir, in New Jersey? An inquiry I am led into by the introduction of these ominous soothsayings. The honorable member from that State (Mr. SROCKTON) will remember that when he was elected to Congress, a Governor and State Legislature of his own political complexion accompanied his election. But, in the revolution of one single twelvemonth, he well knows that all these recent incumbents in his own State have been dispossessed. Why, I would ask him, why were his friends dismissed after so short a trial of their principles? Because, no doubt, because the people disapproved of them. Because the people were constant in their attachment to principles which he is willing to renounce. I reside, sir, permit me to say, so much in the immediate neighborhood of his State as to know that a majority, a very decided majority of the good people of New Jersey never will abandon the rights of their fellow-citizens, nor support the man who would abandon them. They concur in feeling and opinion with a large majority of the whole American people, whose views are correctly represented by the majority in this House.

And here let me make an observation or two on the so much controverted doctrine of moral treason, first mentioned by the gentleman from Tennessee, (Mr. GRUNDY.) It appears to me that the indignation which has been expressed against this doctrine is the result of to be sure an honorable, but, I think, too hasty sensibility, which excites ideas not involved in the terms applied. Those terms, by a very natural association, were spurned at by honorable minds, without taking time to consider their true import. Feeling was consulted, and spoke, instead of judgment. The words were regarded, not their meaning. Wherever actual treason is defined and limited to a few specific cases, it does not appear to me that the bounds of moral treason must needs be so enlarged as to become very comprehensive. There must be more practical faction in a Republic than a Monarchy. Faction is a name in the latter—essential in the former. In the one it is merely denounced; in the other, suppressed. Therefore it is, as has been abundantly shown to-day, that we should not refer to England for examples, analogous to our own situation, of what may be deemed a Constitutional opposition, and what not. In England the Monarch is supreme, his power great, and incessantly increasing through the channels of patronage, and other such sources of augmentation. A violent opposition is harmless, may be wholesome there. The foul atmosphere about the throne may, indeed must, be purified by occasional popular tempests. In that Ostrogothic magazine of absurdities—the British constitution—extreme violence at the one end is necessary to counteract, to check and balance, as it is said, extreme power at the other end; not violence in fact, or in deed, but in speech, in print, and in sentiment. Nothing can be clearer than the positions assumed by the gentleman from New Hampshire, (Mr. WEBSTER,) that opposition in England is more refractory than here; but nothing on the other hand can be more erroneous than his deduction from that ground. The people here are the sovereign. The majority is their representative. There the Monarch is sovereign, and the people are at best but his auxiliaries. Look into modern English history, as we are invited to do by the honorable gentleman from New Hampshire; particularly the times of Lord Oxford, Sir Robert Walpole, and the Earl of Bath, and you will find that the dissolution of one Ministry was generally the signal for their impeachment, banishment, and confiscation, on the motion of their successors. Examine their newspapers and pamphlets, and you will perceive that licentious as the press may be thought in this country, it is more so in that. Take up Junius, for instance; what public misconduct, what private failing, what family anecdote, what domestic secret, has not been violated, ransacked, and perverted for libellous purposes? Severe as are the lacerations of the press in this country, they are not so much so as its outrages in England. Our withers are almost unwrung, sharp as the discipline may sometimes be felt when

measuring our sufferings by those of many of the best men in England; and the statesmen in the United States who smart occasionally under these applications, may be at least in some degree reconciled to patient endurance by the reflection that the English press has been still more illiberal in its treatment of some of the acknowledged pillars of that Kingdom. In like manner, the debates in Parliament are conducted with much greater latitude than our debates are in Congress, or than I trust they ever will be. But does it follow, from these premises, that an American opposition is to be confounded with an English opposition? No, sir. In England opposition is to the Monarch and his Ministers; in America opposition is to the people, for Government here is an immediate and constantly renewed distillation from the people. Within certain limits the range is undoubtedly Constitutional. The press, and exposure out of doors, debate, and contradiction by speeches and votes in this Assembly, public sentiment in short, in all its elements, is the theatre for the operations of a minority. While regard is had to established regulations within these doors, and to Constitutional injunctions without, who would strive to interrupt or suppress the agitations of opposition? Nobody, I am sure. But when these limits are transgressed, it is indispensable to public safety that the transgression should not pass off with impunity. The gentlemen of the minority surely enjoy very great privileges and exercise them. They may put us all out. I promise them, if they do, that we will never ask to manage their measures, as they persist in their efforts to control ours. They shall declare war or not, and wage it offensively or defensively, just as they think proper, without our requiring, whatever our plan of opposition may be, without our requiring them to begin where we may mark the line of commencement, or to stop short where we may define the point of termination. We will never entreat them when they fairly get into power, as they now ask us, when they have fairly got themselves out of it, to forego all the rights of a majority, and in a republican Government to suffer the minority to rule.

Whenever such shall be the case, Mr. Chairman; whenever the party in the minority obtains the ascendant, and the majority is driven from the Government, be their numbers and talents never so inferior; let them be more contemptible than ever any party yet has been in this country, they will nevertheless at all times find sufficient consolation in their retirement in the reflection that they maintained to the last those principles which the gentleman from New Jersey charges them with being about to surrender; that they fell in the defence of those principles, and carried their attachment to them into seclusion and private life.

Mr. Chairman, I cannot resume my seat without declaring that my confidence is undiminished in that excellent Chief Magistrate the present President of the United States; that I have no apprehensions for his determination to preserve

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inviolable those noble privileges for which the nation is contending; that he would rather, much rather, be driven from power than relinquish any one of them. And I will add, that should such unhappily be his infatuation; should he have brought his mind to consent to an abandonment of his country's rights, that country, true to itself, is still able and resolved to stand by them; we, the people, and the people's representatives, will cast about for a better Executive representative of the popular feeling; we will find and elevate a man less willing to sacrifice us to Great Britain.

When Mr. INGERSOLL closed his remarks, Mr. FISK made a few incidental observations, and the committee rose, reported progress, and obtained leave to sit again.

MONDAY, January 17.

The SPEAKER laid before the House a certificate of the election of WILLIAM IRVING, to serve as a member of this House, from the State of New York, in the place of Egbert Benson, resigned: which was referred to the Committee of Elections.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, transmitting a statement of the amount of duties and drawbacks on goods imported into, and exported from, the United States, for the years 1810, 1811, and 1812; which were read, and ordered to lie on the table.

The SPEAKER also laid before the House a letter from the Secretary of the Navy, transmitting the Annual Report of the Commissioners of the Navy Pension Fund; which were read, and ordered to lie on the table.

ARTS AND MANUFACTURES.

The following letter was received from the Acting Secretary of the Treasury:

TREASURY DEPARTMENT,
January 13, 1814.

SIR: By the resolution of Congress of the 19th of March, 1812, the Secretary of the Treasury was directed to employ a person to digest and reduce to such form as should be most conducive to the interests of the United States, a statement of the number, nature, extent, situation, and value, of the arts and manufactures of the United States; and by the resolution of the House of Representatives of the 9th of July, 1813, he was directed to have printed, during the then ensuing recess of Congress, one thousand copies of the digest made in pursuance of the former resolution.

Under the first resolution Tench Cox, Esq., of Philadelphia, was employed to digest and reduce to form the statement of arts and manufactures; and has transmitted to the Treasury two series of tables, exhibiting the several manufactures of the United States as returned by the marshals and secretaries of Territories and their assistants, in the year 1810; first, by States and Territories; and secondly, in every county in the Union. These tables were accompanied by two essays or collections of facts and observations prepared also by Mr. Cox, relating to the state of manufactures of this country, and the motives which exist for affording encouragement and extension to them.

Under the resolution of the House of Representatives, of the 9th of July, 1813, the two series of tables abovementioned have been directed to be printed. The two essays not being strictly in the character of official documents, it was supposed that they did not fall within the resolution of the House, and they have not been ordered to be printed. The printing of the second series of tables showing the manufactures by counties throughout the United States, is not yet completed. Of the first series, of tables exhibiting the manufactures by States and Territories, although the printing is completed, a part only of the copies has been received from Philadelphia, where the work was executed.

I have the honor, therefore, now to transmit three hundred printed copies of the series of tables last mentioned, and a manuscript copy of the two essays above described. The remainder of the printed copies of the series of tables, and those of the other or second series of tables, will be transmitted to the House of Representatives as soon as they shall be received at the Treasury.

I have the honor, &c.

W. JONES,

Acting Sec'y of Treasury.

Hon. SPEAKER of the House of Reps.

The letter was read, and, together with the manuscript essays therein mentioned, referred to the Committee on Commerce and Manufactures.

NAVAL ESTABLISHMENT.

Mr. W. REED, of Massachusetts, advertising to former inquiries into the expenditures, &c., of the Navy when that establishment was rather of an ephemeral than permanent nature, which had proved ineffectual, and which were much more important now that the Navy had assumed a greater magnitude, offered the following resolution, being precisely the words of one adopted at a former session in this House:

Resolved, That a committee be appointed to inquire whether any, and, if any, what means of retrenchment and economy, of reform in the general management, and of extension and efficiency in the Naval Establishment, may be practicable and expedient; and that they have power to send for persons and papers.

Mr. REED said, that his motive for offering this resolution, was the general opinion that our Navy cost more money in proportion to its efficient force than any navy in the world. This circumstance he did not attribute to the fault of individuals in that Department; but he wished to be enabled to inquire into the defects of the system, if any, and if necessary to devise appropriate remedies. This was his sole object.

Mr. TROUP, of Georgia, moved to refer the subject to the Naval Committee, whose peculiar duty it would appear to be to inquire into such matters.

Mr. SEYBERT, of Pennsylvania, as a member of the Naval Committee, (in the absence of Mr. LOWNDES, the chairman,) stated, on his part, a full conviction that nothing could be done effectually by that committee in such an inquiry as this. He referred also to the appointment of a committee on a former occasion on the subject, by which, although composed of many mem-

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bers, and authorized to act during the recess, nothing effectual had been done. Mr. S. did not believe they ever should get adequate information on this subject through the means of any committee of this House, or through any means short of a Navy Board, which alone can make the necessary reform. It is impossible that members of Congress, who have in general but little information on the subject of naval matters, or of the various branches of manufactures, should be able to obtain correct information on the various articles of growth or industry which enter into the composition of the Navy, or make the necessary reform. With regard to the comparative expense of our Naval Establishment, Mr. S. said it was stated to him by the chairman of the Naval Committee, from an examination of documents—and it was with surprise Mr. S. had heard the statement—that the persons employed in the naval service had, for the last year, cost less per man than those employed in the navy of Great Britain.

Mr. GHOLSON, of Virginia, was desirous of knowing whether this motion was predicated on any alleged or supposed malversation in office of those now employed in the Naval Department. Mr. G. said, he had been induced to believe that a considerable reform had taken place in that Department since the present incumbent had taken charge of it. It had appeared, on examination a year ago, from the estimates of the expenditures of the British navy, that the expense per man of the British navy was not more than about one half of that of a man of our Navy. But it appeared, since that day, much reform had taken place; so much so, that, according to the statement just made, the comparative expense was now greater in the British service than in ours. This was an important fact, he said, which he was much pleased to hear.

Mr. REED said, that the gentleman from Virginia had entirely misunderstood him, if he supposed that he had founded his motion on any alleged mismanagement of the individuals engaged in that Department. He knew, and was rejoiced to hear, that many improvements, very advantageous to the public service, had recently been made in the Navy Department. It would savor, perhaps, a little of vanity, to presume it to be in his (Mr. REED's) power to arrange such a system as would correct existing evils. But his design was to endeavor to collect, through this committee, the opinions of practical men on the subject; and, from them, deduce such alterations of the system as might promise beneficial results to the public service.

Mr. RHEA, of Tennessee, spoke in favor of the amendment.

Mr. POST, of New York, said this inquiry was, in his opinion, very important in its nature, and that he was satisfied, if referred to the Committee on Naval Affairs, it would sleep there. Having the honor to be a member of that committee, he did not hesitate to say that, with all the business now requiring their attention, they would be incompetent to the task proposed to be as-

signed them. He therefore hoped the resolution would be amended as proposed.

Mr. CALHOUN, of South Carolina, moved that the resolution lie on the table, as the gentleman who presided over the Naval Committee was not present, and the difference of opinion on this matter seemed to require further time for reflection. Mr. C. took occasion to say, that he believed this resolution to have originated in the purest motives. No gentleman, he believed, was more sincerely attached to the Navy than the gentleman from Massachusetts, (Mr. REED,) or more enlightened on that subject; and he was therefore glad to see him apply his attention to the subject. Mr. C. also remarked, that he, too, had heard the chairman of the Naval Committee say, that the expenditures of the Navy had been recently much reduced.

The resolution was then ordered to lie on the table.

EXTENSION OF ENLISTMENTS.

The House again resolved itself into a Committee of the Whole, on the bill authorizing the enlistment of certain regiments for five years, or during the war.

Mr. STROCKTON rose and addressed the Chair, as follows:

Mr. Chairman, it was not my intention to have added any thing to the observations which I made on Saturday against the bill on the table. And if the Committee had seen fit to have permitted me on that evening to have made a short reply to the very extraordinary attack made upon me by the honorable gentleman from Philadelphia, I should have rested contented. But, as that privilege was denied me by the majority, I am under the necessity of doing a service now which I ardently wished to have performed then. I was accused by that gentleman, in terms not to be misunderstood, of the "monstrous" crime of rejoicing at the calamities of my country. I deny the accusation. I have neither a heart to conceive nor a tongue to utter such a sentiment.

What I said, was not hastily, but, on full advisement; and now, on mature reconsideration, I still adhere to it. I said that the Administration meant to abandon the ostensible grounds on which the war is continued; and therefore that the enormous expenses about to be incurred, would be an useless waste of public money. This was no visionary conceit of mine—but an irresistible conclusion, to be extracted from the public documents and the conduct of the Government. I relied on the fact, that the basis of negotiation offered by England had been acceded to here; and, England having caused us distinctly to know that she would not negotiate now on any other terms than those she had always offered, one of two conclusions presented itself and was irresistible: either the questions of "free trade and sailors' rights" were given up, or the intended mission was deceptive, intended only to delude the people and squander their money. Not feeling myself authorized to assert the last, I adopted the first. I retract not a word—I am willing to place it upon

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the record. There let it remain and be remembered—time will test it. Not a letter in any treaty of peace to grow out of this negotiation will be found impairing maritime rights as claimed by Great Britain; the subject will either never be mentioned, or put upon the shelf *ad referendum*. I added (and this it was that excited the gentleman's patriotic warmth) that the Administration had struck its flag, and that I rejoiced at it. Sir, I do rejoice at it. I rejoice at it because, as I then stated, I see in it the first dawning of the day-star of peace—some prospect, however faint and indistinct, that an end will be put to the evils which afflict my country.

But the gentleman made me to say I rejoiced that my country's flag was struck. I deny the assertion, and can safely appeal to every honorable man who heard me.

No sir, I can never rejoice that the flag of my country is struck—the national flag—that flag of my country which was planted by the immortal WASHINGTON on the rampart of independence; those stripes, which yet wave triumphant on the ocean, are most dear to me. This was not the flag I alluded to. The flag of which I spoke is the flag of the Ministry—that flag of error and misrule—the false, alien party flag, which has beguiled and deluded the people, and conducted us from peace and happiness to war and misery. No, sir, the good old flag of America is cherished by me with tender affection, and for reasons as powerful as can operate on man. My stake in this community, covered as it is by this flag, is great and interesting; not in money and goods, fleeting and worthless, but in children and in lands. I have one gallant son now on the ocean fighting under that flag, who would prefer it as a shroud, rather than witness its base surrender. I have other sons equally gallant who will defend it with their lives, whenever it shall be unfurled in the cause of justice, or the liberties of this nation. And I, sir, old as I am compared with the gentleman from Philadelphia—although the frost of fifty years is now pressing over my head—even I, sir, am yet able to defend it. I should hope, with at least as much firmness and constancy as that gentleman. Why, then, were my evident meaning and expressions perverted? Was it part of the plan which seems to be maturing to put down opposition? Vain and hopeless project! Opposition, sir, can never be put down whilst the Constitution or one shred of it remains.

Doomed we may be to sit here and attend to lectures learnedly prepared, to graduate the rights of majorities and minorities; to determine what is rightful—what a factious opposition; but such schemes are visionary and fantastic. The case admits of no limit but the Constitution; no remedy even for abuses but that to be found in the people. It is the prerogative of the majority to act, the privilege of the minority to protest. The Constitution is the only limit of action or obstruction. What majority (its members being the judges) was ever in the wrong? What minority other than factious in the opinion of the majority? I would recommend it to gentlemen to leave this

matter as they found it. Thus much, sir, for explanation.

I shall now claim a few moments to reply to other remarks, in which the gentleman from Philadelphia thought proper to indulge himself. That honorable member thought it necessary to take me and my constituents into his important keeping. From the exalted eminence which he occupies, in the great metropolis of Pennsylvania, he cast his eye over the small and humble State of New Jersey. He was pleased to survey both the people and their member. Me, the unworthy, faithless Representative of the sentiments of the people, he reminded of my dependence on that people for political existence. Then he exhorted, or seemed disposed to exhort, to punish me (as they had already punished a refractory Governor) for political heresy.

I hope sir, said Mr. S., that I am not entirely ignorant of the ties which bind me to my constituents. I know that they are not ignorant of, and will be watchful of their rights; neither the constituents or the member stood in need of the advice of that gentleman; he will neither receive their thanks or mine for the trouble he has taken. The obligations which the confidence of my fellow-citizens have imposed upon me, I shall never overlook. The trust shall never be betrayed. I will defend what I conscientiously believe to be their right and interest at all hazards. My constituents shall never be misrepresented by me; they knew me before they elected me, they took me as I was. Such as I was I shall remain. I have never concealed my opinions, or made false pretensions to cheat them of their suffrage. They knew (I repeat it) when they elected me, they knew that I was no Court sycophant, no changeling—that I had never been up at the market—they elected me without solicitation. Had I solicited them they had rejected me. They have confided in me and shall not be deceived; and however the gentleman may suppose that he is in their secrets, I can tell him that I yet speak their sentiments. Yes, sir, the district which I, together with my venerable colleague, represent, yet contains a majority of true patriots of the Washington school. To represent such a district is no common honor in times like these. I cherish it as such; and it shall console me under every occurrence. But, sir, he judged me by himself, if he supposes, as he seemed to suppose, that I am anxious to retain my seat here. He is greatly mistaken. Highly as I estimate the honor conferred upon me, the acceptance of it was a sacrifice of interest, of habit, and of feeling. I can lay my hand upon my heart, and in all sincerity say, that the day which shall finish my political course, and restore me to my family and friends, I shall hail as the happiest of the year. The honorable gentleman, after satisfying himself with New Jersey and its Representatives, recurred to objects vastly more important. He returned to himself and Pennsylvania. He told you that he was in favor of the war—that the people of Pennsylvania were in favor of the war, and that he should remain in its favor unless indeed (recollecting himself)

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the people should change their opinion, and then, said he, I shall change mine.

To the latter part of the gentleman's proposition I heartily subscribe—it is doubtless correct; he has once before obeyed the voice of the people by changing, and he will most unquestionably change again when the like temptation is presented. If, Mr. Chairman, some ten years ago, curiosity or accident had taken you to the great city of Philadelphia, and you had cast an inquisitive eye over its political hemisphere, perhaps a youth might have been pointed out to your notice—a youth of small stature, but gigantic talents, with a mind stored with all the treasures of classic lore, an exterior adorned by all the accomplishments of foreign travel; had you inquired what was the political character and conduct of that youth, you would have been informed that he was a Federalist—a Federalist warm, intemperate, and imprudent, exerting from time to time his far-famed literary talents to write down old and early members of the Republican party; what, sir, would be your surprise now to recognise this stripling in the present honorable member from Philadelphia! Yes, sir, he was once a Federalist, or pretended to be one, but the storm came and he changed his garments; he perceived in good season the road the mighty crowd had taken; he saw the course the current would pursue; he seized the happy moment, launched his little bark on the boisterous element of popular opinion; he committed himself to the waves, and the wind and the tide have wafted him into—*his seat*. But the gentleman from Philadelphia could not leave us without the benefit of his political creed, made up in the form of instructions to the present and all future Chief Magistrates; he gave us the points to be gained by the pen or the sword; and intimated that if this President did not secure them, another must be found who would. Precious legacy! full of practical wisdom!

He would first cause to be altered the British doctrine of blockade—a doctrine perfectly settled before and since the Orders in Council, resting on the public law of Europe, and not even complained of by this Government until it was made a matter of moment by France. The doctrine of the English Admiralty Courts the gentleman knows to be, that no blockade can exist without a complete force to enforce it. But this doctrine he will abolish, and substitute perhaps the *new code* in its place. The enormous list of contraband of war he would next reduce; this list, settled by treaties and the usage of nations for half a century, he wills to be curtailed and cut up; and last of all, there must be no search for "persons" of any description, and a "very limited one for goods." All this must be accomplished or the war must rage, or the President go out. If these are the terms imposed on the President his lease must expire. He should receive notice to quit. Great as his talents are he will never accomplish one solitary article on the list. The gentleman had better lose no time in providing a successor. Who can tell on whom the choice may fall? A few more exhibitions of patriotic paroxysms may

point out the man; then, indeed, would the country rejoice; then again this stricken, false, and alien flag might be unfurled from the top of the Palace, and free trade and sailors' rights become once more the order of the day.

Mr. Chairman, I have now done with the gentleman from Philadelphia—our account is settled. If I have, in repelling a most improper attack, uttered an expression unworthy the dignity of this place, I hope to find my excuse in the occasion. I hope I shall be pardoned. I promise never again to trouble you on such a subject. The gentleman may seek me out again if he pleases—nothing which he shall say shall extort a reply.

Mr. McLEAN, of Ohio, having risen, Mr. INGERSOLL, of Pennsylvania, asked Mr. McLEAN to indulge him with the floor for a few minutes, to which Mr. McLEAN assenting, Mr. INGERSOLL proceeded:

The gentleman from Ohio has the goodness to give me the floor. I rise, Mr. Chairman, to rejoin to a part of the replication of the honorable gentleman from New Jersey, (Mr. STOCKTON,) and to plead guilty to the residue, and put myself on my country for trial.

It will be recollected, sir, that on Saturday, when one of the Army bills was in a stage to be reported as agreed to, that gentleman rose, and taking a lead in opposition to it, declared his hostility to the measure, for reasons which he then assigned—which he has now reiterated and acknowledged, though with some attempt at qualification—and of which, actuated by the feeling of the moment, I expressed my disapprobation. It was, however, the principles I attacked, not the person of that honorable member. I am much mistaken if I uttered a word incompatible with his personal privileges, or that regard for decorum which I hold equally due to him and to myself.

In reply to such observations, the member from New Jersey has bespoken the House to-day with an angry attack on my person and public character, letting loose upon me a strain of sarcasm, which, if I were inclined to retort, as I might, I should pronounce to be the result of a Sabbath's vindictive lucubrations—which I should find no difficulty perhaps in turning with greater severity on himself. But I have no such disposition. I did not before betray a temper of that sort; nor shall I be provoked to it now by anything he has said. Though the honorable gentleman concluded his invective with a declaration that he should never again notice what I might say, I shall not follow his example, either in recrimination or silence, but continue to combat his principles whenever he may render it necessary, always preserving that regard for his person and individual feelings which I did not depart from on Saturday.

The point between us, as he states, is a point of consistency; and I cannot forbear reminding him that, on this discussion of national hostilities, offensive or defensive, he himself assumes the attitude of offence, and restricts me to merely de-

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fensive considerations. He assails me, as he says himself, after consideration and reconsideration, when, where, and how he chooses—leaving me no option but that of defensive resistance, suddenly resorted to, without the opportunity of reflection, and sustained against all the advantages which greater talents and preparation afford. The means of annoyance and of victory are thus altogether in his hands, and might be employed, I should think, without the ungenerous reinforcement of abuse.

With this inconsistency in his own conduct, the honorable gentleman accuses me of a change of politics; and not very gentle language is exercised in the animated—to use no stronger an expression—the animated appeal of my accuser.

Mr. Chairman, to this charge I plead guilty; and, as I have said already, put myself on the country for trial and judgment.

It was my fortune—good or bad as it may be considered—to be placed at a seminary for education in the village inhabited by the honorable gentleman from New Jersey; where, during the memorable years 1796, 1797, and 1798, I was impressed with opinions which, on better and riper investigation, I have deliberately rejected and publicly disavowed. After receiving an education, of which that honorable gentleman has spoken, perhaps ironically, without censure, I was sent on those travels to Europe, to which also he has been pleased to allude. Then it was that I was enabled to survey, with better means of observation than can be enjoyed at this distance—what I had previously been taught to regard as a model of political perfection—the British constitution. There it was that I learned, from the dictates of my own humble capacity, to look upon that constitution as the most stupendous monument extant of incongruity and human absurdity. Thence it was that I returned to my own country, convinced of the errors of early education and habit. The member from New Jersey is mistaken when he draws (in the ludicrous colors he thought it becoming him to employ) a youth to be seen in Philadelphia, after his return from Europe, wielding the pen of federalism, and writing down the strongest of its antagonists. Whatever my personal attachments and social intimacies may have been, my political creed was settled in Europe. Abundantly satisfied of its rectitude, I have no hesitation in avowing it. Instead of the pain which the honorable gentleman from New Jersey may have flattered himself he would inflict on me by this explanation, he has afforded me a pleasure: the gratification of asserting what I have no wish to deny or conceal—what I am proud to avow and rejoice in.

I leave without reluctance to that honorable gentleman all the pride of consistency—all the merit of adhering to established errors—of being the advocate of vigorous offensive war in time of peace, and of peace in time of war—all the honor of expressing his pleasure at the surrender of his country's flag. His attempt this morning is a most insufficient one to explain away such a

declaration by referring the flag to the Administration, instead of the country. Whatever that gentleman may think of it, it is still the flag of the country.

Be it my satisfaction, Mr. Chairman, that I am one of the least important assertors of our great maritime rights; that if I ever swerved, I am true to them at last; that if I am a proselyte, I do not stop at the gate, but am a proselyte of the covenant.

Sir, (*magnos componere parvis*.) in finishing his fine comparison of Cymon and Lucullus, Plutarch awards the palm to Cymon, because, though he erred in his youth, he improved as he grew older, and lived to become right; whereas Lucullus, who was unexceptional in his younger days, deteriorated in his old age. I do not refer to this subject, sir, with any idea of attaching the latter part of it to the honorable gentleman from New Jersey, but merely that I may strengthen myself by the recollection of the former. While I lived at Princeton College, I learned to value the private worth, the professional eminence, the excellent character, of the member from New Jersey—his connexion with one of the most respectable families there—his being himself the head of that connexion. At that time I did not believe that even his politics were wrong; and I have always since been satisfied that, except in politics, he is unexceptionable. I feel also the difference in our ages to which he has alluded—feel it to my disadvantage—though, as regards those domestic pledges of patriotic affections, which he has mentioned in his own instance, though so much younger than the honorable gentleman, I am almost as powerfully attached probably as he is himself.

I can assure him, sir, and the House, that designedly I have never treated him with disrespect; that as I trust I never have, so I never will be guilty of invading the personal feelings of any member on this floor; and that I am not at all disposed to detract from whatever may belong to his dignity and privileges in particular.

In the personal invasion he has permitted himself of my feelings, he has not altered these sentiments on my part. He has given me no pain. In that aim he has been disappointed. He has made an occasion I wished for. He has made it exactly to my wishes. I avail myself of it to repeat once more that I have changed my views, and that I am not without hope of improving in the alteration.

Mr. SHEPHERD rose and addressed the Chair as follows—

Mr. Chairman: I cannot agree with gentlemen, that arguments against the war are unconnected with the bill before the Committee. This bill is framed to encourage the recruiting of soldiers, to offer an extravagant bounty, to use the language over the way, “to tempt the cupidity of our respectable young men.” Whatever reasons can be offered against the war are equally reasons against this bill, for if we withhold supplies from the Government, of men and money, we thereby put an end to the prosecution of the war.

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Before I make any remarks directly to the bill on your table, Mr. Chairman, I feel constrained to notice the old subject of moral treason, renewed by the honorable gentleman from Tennessee, (Mr. GRUNDY,) in a speech in support of the bill. He has condescended to treat us with a definition of the crime, in so enlarged a manner, that even the minority on this floor, which the gentleman last session in the plenitude of his clemency saw fit to spare, will be fortunate if they escape being enmeshed in his net.

We are told by the gentleman in what moral treason consists; it extends to thought, word, and deed. Think, speak, or act, against the gentleman's war, and he fastens upon your soul the crime. Indeed if you omit to support it, by loans, by advice, by encouraging your friends to enlist, by loud applauses and earnest commendations, you are smutted with "moral treason."

Now, sir, I do not subscribe to the doctrine, and shall accept the challenge to argue the point; and, feeble as my faculties are, have no fears of tearing away the cobweb wove round this subject, and exposing the extravagant absurdity of the position.

One cannot be guilty of treason in law, without lifting his arm against the Government. To commit this crime, he must set at defiance the sovereignty and power of the State; and as such acts constitute the crime legally, it may easily be supposed the moral traitor must set at defiance the authority and obligation of moral principles, the moral law not only be infringed, but something more—its validity, its sovereignty over the heart and conscience must be denied, and all the feelings and passions be armed in hostile phalanx against the whole moral kingdom. If moral treason can exist, which is doubtful, certain I am that the sin of differing in opinion from the majority will not constitute the crime.

The gentleman's doctrine shall be tested by the Constitution; by the genuine principles of civil and religious liberty; by the purest laws of our nature; and the still more imposing laws of the Creator. And if on this trial it shall appear that we are wrong, then there can be no doubt but we must confess, repent, and reform; but if otherwise, we shall claim to be exempted from any further charges of the kind.

First. The Constitution, letter and spirit, is at the gentleman's service to prove us guilty, and when examined with care and candor, placing a fair interpretation to every syllable, it will be found, instead of supporting him, to overthrow not only his superstructure but tear away his foundation. Sir, in the whole of this instrument there is not a word, by reasonable exposition, that imposes upon the citizen the least obligation to aid the Government in the prosecution of a war beyond our territorial jurisdiction, nor has the Government any power over its citizens in this respect, except the levying of taxes.

It is left to the feelings, discretion, and volition of every man, whether, when solicited to lend his assistance, he will accept the invitation to engage in the war. Why this omission in the Constitu-

tion? It was undoubtedly omitted by design for two reasons:

1st. To prevent the prosecution of foreign wars.

2d. Because, the power to drag forth the reluctant unconsenting citizen to a war of conquest, is wholly inconsistent with the principles of civil and religious liberty.

Where would be the benefit to your countrymen, Mr. Chairman, in possessing a Constitutional right to aid, or refuse to aid, the Government in such a war, if there existed at the same time in the breast of the conscientious man a paramount obligation to become the auxiliary of the Government, in the prosecution of such a war? This boasted privilege of our citizens would be but a shadow, that never could be realized. Strange, too, that we should commend our Government, that leaves us free to choose or refuse, when the higher laws of morality take away all that liberty, and leave us but one course to pursue.

And it is difficult to believe that the wise framers of the Constitution, if they understood our moral duties with the honorable gentleman, would have omitted to make that a legal, which they perceived was a moral obligation, so important and interesting in its nature. Because, if it was intended by the Convention that offensive wars should be declared by our Government, it can easily be perceived that the power to make conscripts of your citizens might be very convenient.

And it would be strange, indeed, if its members, in the moments of calm and deliberate examination, endeavoring, with the best of motives, to place their country on high, commanding, and stable ground, if it appeared to them consistent with the principles of rational liberty, that there should exist a moral necessity in the citizens to aid in the vigorous prosecution of a war of conquest, that they should have left the performance of the obligation to the convictions of the whimsical, timid, and disaffected, and relied for support upon the consciences of those whom a single paragraph of the Constitution might so effectually have secured.

The silence of the Constitution amounts to demonstration, that our wise men believed such a power in Government was incompatible with the liberty intended to be secured by that instrument, and by such silence left that power as denied. If such were their views, they bespeak the soundness of their minds and goodness of their hearts; for it is folly to speak of a free government, so long as the whole, or any part of the male population of the country, are compelled to embark in any ambitious project at the nod of a proud Executive, or corrupt majority of the Legislature. Never let your country be mocked with the title of free, if the enjoyments and employments of domestic life are ever placed in the hands of any group of erring and perhaps wicked men.

The exemption, in this respect, from the power of Government, has justly been considered as a glorious earnest of freedom; than which none could be more captivating.

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The argument, then, is preposterous, that notwithstanding the liberty constitutionally secured to the citizen, to act or forbear as he pleased, he must throw his weight into the scale of the majority, whenever they think fit to declare war, whether just or unjust, or be morally guilty of treason.

Secondly. A practice, under the creed of the honorable gentleman, would be an alarming encroachment upon the prerogatives of religion, and thereby blot another feature of liberty from the Constitution.

A man really pious, believing that offensive wars originate in the vilest passions of the depraved human heart, and that he shall incur guilt of a serious kind if he contributes to their prosecution, would suffer martyrdom before he would stain his soul with the blood of a slaughtered fellow-being. Shall it then be justified that such a man shall stand condemned as guilty of an odious violation of moral obligation, because he obeys the dictates of conscience? Shall he have the liberty of judging for himself, from the lights of reason and revelation, or shall he be compelled to submit his conscience, his religion, and soul, to the arbitrament of a majority, who may scout the ties and obligations of the two former, and deny the existence of the latter?

That there are people whose religious feelings are opposed to a war of revenge cannot be denied. Indeed, there is a set of Christians who deny the right of man to shed blood for any cause, to the taking of life. This society of Friends, not excelled if equalled for purity of morals, industry, and the practice of the most amiable virtues by any class of citizens, would not contribute to the prosecution of any war to save their lives. And those who know them will not doubt their sincerity, unless charity is frozen from their hearts. Yet this whole society, notwithstanding their high deserts, must all be subject to the gentleman's brand—"Moral Traitor."

Sir, will it be said that a majority is the best judge of what is morally right and wrong on this subject; and that those who are conscientiously opposed to a war of retaliation are squeamish, that they are deluded by education, that they have erroneous notions and opinions, and that an act of Congress can absolve them from guilt, and justify their conduct?

The good man never can be made easy in this way. The crime of a multitude is no less heinous in his sight than of an individual—of men in office than men out of office. In his breast the laws of God are superior to the laws of men, and when he finds them opposed he obeys the former and disregards the latter. He reads—"Thou shalt not kill," in the former, and "Thou shalt kill," in the latter. He views the former as sacred, the latter as impious, and feels that he would rather wrap his soul in a single leaf of that book which says "Blessed is the peace-maker," than to be shielded against the vengeance of insulted Omnipotence, with all the statutes that were ever made by man.

Sir, it is mocking such a man to tell him he is

safe to shed his brother's blood, if he has a statute to plead in justification. For the universe he will not believe you. He will believe that the voice of that blood will be heard, and that dreadful retribution will be awarded for the horrid deed. The right to tax—to take our property—is admitted, but a dominion over my conscience I deny. It does not exist—it must not exist. Take my property, rob me of my interest in this world, but attempt not to blast my hopes of Heaven.

Thirdly. Moral obligations never can be incompatible with the social duties and affectionate ties of our nature; therefore, if we lay aside the laws of our Creator and precepts of Christianity, which require us to "love our enemies, and return blessing for cursing," and state the case to a benevolent and discerning man—tell him that the British have wronged us, that they insist upon principles contrary to the opinion of the President and a majority of Congress, and therefore to retaliate for the injury, to produce as much misery to the subjects of the King as his subjects have done to us, and to make his Majesty and Ministers give up their opinion to the better judgment of the President and Secretary at War, we are determined to raise an army, invade Canada, and "conquer the King into peace." Would not that man, shocked at the proposition, enter his immediate protest against a design so rash, so barbarous? He would point you to the inhabitants of Canada, free from guilt, save that of being British subjects, despoiled of their property, or falling in defence of those rights which Americans hold dear and sacred, butchered by our armies. He would ask you to listen to the groans of the dying, to the shrieks of helpless women, and still more helpless children, flying from the scene of slaughter and death, and perhaps lighted by their blazing houses, which had recently been the abodes of peace and happiness. He would point you to the still more shocking and dreadful scenes—your own countrymen, foiled by the stronger arm or superior discipline of your enemy, strewed upon the field of battle dead and dying. He would show you your frontier, laid waste by an enraged enemy, and a wide scene of ruin and desolation. He would show you the morals of your countrymen ruined, your camps filled with sickness and death. He would show you—but description fails. He would show you the misery of a century in a single campaign. He would plead the cause of his country—the cause of humanity—and, when he had done so, he would be called a moral traitor by the honorable gentleman from Tennessee. And, sir, permit me to say, if this is moral treason let me be the traitor. It will be pleasant while I live—it will console me when I die.

Mr. Chairman, from the observations already made, it will be seen that I am opposed to all wars declared to revenge injuries, or to punish aggression:

1. Because, in their nature, they must be a violation of those principles which it becomes us to cherish.

2. Because they are in no case necessary.

3. Because the unhappy effects fall upon the innocent.

4. Because redress never is obtained.

As to the first point, sir, I shall not trouble the Committee with any further remarks, or reasons, having exhausted my reasoning relevant to this part of the subject, in the moral reflections already made.

Second. It can never be necessary for a nation to go to war offensively, to obtain redress for an injury which it may have suffered from an offending nation.

In order to make out such necessity, it must be shown that the existence of the nation, its essential happiness, its liberty, or independence, and the sum of its prosperity, depends upon the war to be declared. It is believed, sir, that this cannot be shown in any possible case; for the moment any of those vital principles of national happiness is invaded by another nation, resistance to that invasion, by force and arms, is a defensive measure. To exemplify it: If the British invaded the sovereign prerogatives of the American Government, by searching our merchant vessels, the true course would have been to resist at the time; for the Government to have built a sufficient number of armed vessels to convoy our merchant vessels, and, if you please, to have authorized the latter to arm in their own defence, and to repel with force any encroachment upon our rights. So far we were undoubtedly justified in going; and in so doing we might not only have prevented the war, but in all probability have done away every pretext for it. This kind of resistance would have raised the national character—supported the national honor—which is no more or less than national justice.

If, after all this preparation, the British had now and then been enabled to overcome our resisting force, can any man in his senses say that war was a necessary consequence? Will it be pretended, that we ought to make such an immense sacrifice to obtain, comparatively speaking, a trifling object? And when calculating on the effect of our means we could entertain no hopes of redress; because it amounts to something like demonstration, that, if our country have not power to defend, it could not be capable of offending with success.

Sir, I should be much pleased if a case does exist, that makes a war positively necessary, that some advocate of the present war would condescend to show it.

Third. In declaring an offensive war—a war to retaliate injury or punish aggression—the innocent and not the guilty suffer most severely the calamitous effects of such a war. To bring home this position, we shall see the truth of it strikingly exemplified. Who are the aggressors, if any, upon our rights? They were the Ministers of Great Britain—the Prince Regent and his Cabinet Council, and, if you please, the King, Lords, and Commons. These are the culprits, so far as they make orders, or laws, and wherever the naval commanders have outreached the Government,

they are responsible. Well, sir, can you by your war reach those transgressors? The naval officers you possibly may, but not a soul beyond them. And attempting to punish them you take the lives of their crews, who have but obeyed their orders if they have done you an injury. But admit that retaliation of this kind is morally right, and that you can conscientiously identify the officer and the sailor, how will the case stand when you come to prosecute the war by land? How, sir, on the scale of reason and justice, can you connect the Canadian peasant with the sailor on the ocean, the King on his throne, the Legislature of the Kingdom, or the Prince and his Cabinet Council? It would require a sort of casuistry, unfit for ordinary use, to make it right to punish the Canadian for the sins of his sovereign. But we are told this is consistent with the practice of mankind; that the nations of the world have all done the same thing; very true, and if their examples are to be followed, if they are sufficiently authoritative to compel us to imitate them, there can be no doubt that the foundation of this gentleman is solid. If we are bound to imitate these examples, why not others; or if we but adopt them in justification, we might with equal propriety adopt others which have now become absolute, but in principle, perhaps, no more abhorrent or abominable. The ancient Greeks, Romans, and other nations, sacrificed to a Jupiter, a Mars, a Pallas, and some of them to a Venus. They went to war in pursuance of the oracular responses; they put their captive enemies to the sword, and they used the skull bone of an enemy as a festal goblet. Why not do the same? Here are examples in abundance; and if precedents, which outrage humanity, justice, and every sacred principle, are looked at as justifying the like transactions, I see no reason why we need stop. If revenge can be justified by example, we had better make it effectual. The invasion of Canada, and butchering her resisting sons, is the same but in degree; go on and exterminate them; "sweep them from their soil," as a gentleman on my left the other day humanely observed, and if prisoners should fall into our hands sell them as slaves, or put them to death, as may be most agreeable to your chiefs.

Sir, I had fondly hoped that the day of reformation had arrived; that its dawn was beaming upon my country. That here, in this land of liberty and of equal justice, the bloody examples of war, vengeance, inordinate ambition and lust of power, which compose the history of ancient pagan Governments and modern papal despotisms, would be lost in the mild and orderly dominion of national freedom, rendered still more benign by the principles of that religion which speaks peace and good will to mankind.

But it is said, if the Canadians will be passive, give up their country without resistance, we will not hurt them. In this I presume we should find them equally benevolent if we would give up our country to them; they would not hurt us; and permit me to say that they have as much right to our country as we have to theirs. But what

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would you say to the man who should advise such a measure in case of invasion? You would load him with reproach. Where is the difference? The Canadian, in the first place, has every right to defend the soil from whose fruits he has been nourished—the humble dwelling or proud mansion that shelters him from the cold and the storm, and the Government which has protected his rights against the unhallowed incursion of an invading foe, as the American has to defend the like objects against invasion.

Secondly. The Canadian is under as strong an obligation to defend his King and Government as we are to defend our country and Government. Our rights and our duties are the same. If so, the argument must be paltry indeed, that we have a right to sacrifice our Canadian neighbors to the resentments against their Sovereign because they will not peaceably surrender up their country into our hands.

Turn this case which way you will, and you will find on every side nothing that can justify this most unrighteous attempt to offer up those unoffending, peaceable people, to the resentments or ambition of our Government. They have done you no wrong, and you have no right to do them wrong. The only thing urged against them, except being British subjects, is, that they will not turn traitors to their King and their country; will not take protection under the banners of your gasconading, invading Generals, with their puffs and proclamations. Sir, they have acted not only like loyal subjects, but like prudent men, for you have never been able to give the protection promised; and had they fled to the American standard, their necks must have answered for violated allegiance. And is the alternative offered them, by us, either to become rebels to a King they love, a country which gave them birth, and a Government which has made them free and happy, or to submit to be slaughtered by our armies? Sir, you must honor their choice, to meet our invading armies and resist while the power of resistance remains.

4th. In laying down this position, that redress is never obtained by declaring and prosecuting an offensive war, I should wish to be understood, that where the war is declared on account of an injury committed, a wrong done, you do not, if you conquer your enemy, obtain redress. If he has taken your property, if you can find it take it back; but, by invading his country, killing his subjects, and plundering their property, you gain no redress. The injury still remains, and all you have done is the same that he has. He has done an injury to your citizens, and you have done an injury to his. What nearer are you to your rights than at the beginning? One thousand wrongs can never make a right, and, by prosecuting your war, you are as guilty as your enemy was, for whose wrongs you commenced it.

If your enemy has impressed your citizens, and retains them in bondage, the slaughtering of his subjects, despoiling and plundering their property, will make the captivity of your citizen no more tolerable than if the war had not been com-

menced. His chains will still gall his limbs, and he will still pine for freedom. Should he die in consequence of his thralldom, your wars and your slaughter will not raise the dead, or soothe the afflictions of his friends. If an enemy has, by force, taken possession of a part of our territory, the taking it back by force would be a defensive war, because he is on your ground, has invaded you, and you have a good and justifiable cause to drive him away. This is a different case, altogether different in principle from the war we are now prosecuting.

This war, sir, was either declared for an injury done and passed, or it is for a principle. If for the former, it is a war of vengeance; if the latter, it is a war of insolence and folly. As intolerant and foolish as the Crusades, you fight a nation because they suppose that national law is one way, and you suppose they are wrong. Now, sir, will fighting either alter the principle or prove that you are right? or they wrong? No, sir, if you conquer them it will prove you are superior in battle; if you get conquered, it will prove you are inferior. Your rights and your principles will be precisely as they were when you commenced. They will be as they were; but how will stand the account current of blood and treasure when placed against all the advantages derived from the contest? The balance against you, sir, will be great and melancholy.

You have filled your country with widows, with helpless orphans, increased your pension list, and the national debt almost to bankruptcy, experienced sufferings and loss, distracted and divided the people, ruined commerce, spread poverty far and wide, demoralized the citizens; and what have you gained? Nothing.

All this mighty suffering is to obtain an object of which you have failed, and to establish the most wild and chimerical of all pretensions—that neutral flags make neutral men and neutral goods.

I am opposed to the augmentation of the Army on another ground. We are about to negotiate for peace, if the Executive is sincere—why this enormous expense? Why continue this hostile attitude? The idea, if such an one exists, that the enemy are either to be conquered or frightened into peace, is certainly absurd; if he judges of what you can do from what you have done, he has nothing to fear. On this score you gain nothing. It is, then, bad economy; it is a profligate use of money to expend a vast many millions of dollars for bounties and pay to soldiers, when so fair a prospect exists of making an honorable peace.

There is reason to hope that the President will propose an armistice. It will be a wise and prudent measure, save much treasure, and probably much blood. It would hush the bickerings and quiet the fears of the nation; for, whatever opinion gentlemen from the South may entertain, nine-tenths of the people where I am acquainted long for peace; they are anxious for an armistice, and they would hail them as their brightest blessings; they would welcome them with transport and enthusiasm.

Gentlemen say, we need the Army to defend our frontiers. Sir, our frontiers need no defence. Take away armies and they will be perfectly quiet and secure. Every incursion which the enemy has made has been either as a retaliation for injuries done them by our troops; or to prevent those troops from invading them. The inhabitants on the frontier have had sufficient experience to apprehend any danger if our armies are withdrawn. Besides, if we are to have peace, or if we are to have an armistice, surely there can be no necessity of a frontier defence; and if we need defence, what better is your new enlisted soldiers with the enormous bounty to be given than militia? There is no magical powers exercised by a recruiting officer that can instantaneously convert the citizen into a soldier. He must be trained, disciplined, and accustomed to the toils and dangers of war, before he will fight with courage and dexterity. It is long experience and a habitual communion with privation, horror, and death, that can harden him for the din of battle. It is idle, therefore, to expect that a new recruited army can take the field and fight against, or like veteran troops. Between such and militia the difference cannot be sufficiently important to indemnify the Government for the enormous sums given as bounties.

I beseech gentlemen to consider what a load they are causelessly placing upon the country in the present instance, and beg of them to wait the attempt at negotiation, before they enhance the sufferings of the people; at least convince them that you are sincere in a desire to obtain peace. By your fruits let the people see that their dearest interests are not in the hands of men who sport with their sufferings and privations. Let them, at least, have a respite from the horrors of war. If, after a fair experiment, peace cannot be made, if the British are inexorably bent on continuing the war in opposition to reason and justice, you will gain something by the attempt; you will gain the hearts of your countrymen, and unite them zealously in your cause. But, sir, there will be no refusal on the part of the enemy to any reasonable proposition. Propose terms consistent with the rights of both parties, and you will see them accepted without hesitation.

A melancholy picture has been drawn of the state of the frontier. Our villages have been exhibited in flames, and their inhabitants flying from the foe, or bleeding among the ruins of their dwellings. True, it is so; but can any man hope with these recruits seasonably to oppose an army to the incursions of the enemy?

Sir, the mischief is already done, and armies will not repair it. Stop the bill on your table in its course, and appropriate one quarter, a tenth or twentieth part of the money which is contemplated to be given for bounties to soldiers to defend the frontiers, for the use of the wretched wanderers who have been driven by your war naked and forlorn from their houses, and every comfort, to defend them from the inclement cold, from hunger, and you will make some atonement for the miseries you have brought upon your

bleeding, suffering country. The money will be infinitely more worthily bestowed in this case;—it will relieve much actual suffering; in the other, produce much;—in this, it will answer a valuable purpose; in that, it will be worse than thrown away. Those unfortunate people will accept of a dollar rather than two soldiers for their defence; and, in that proportion, for a greater or less number. If we are to act for the good of the people, let us do it, and let them realize some practical benefit from our legislating. They have had enough of wars and embargoes. They are weary of the hackneyed song of "sailors' rights and free trade." They long once more to experience that free trade, and they have no fears but sailors will enjoy their rights without any more fighting. The greatest interruptions that "free trade and sailors' rights" have ever experienced is from those, who, in language, discover so much solicitude to protect and cherish what they have most assiduously been laboring to destroy.

Mr. Chairman, it appears by official statements that we already have a large army enlisted; more than can be necessary for the mere object of defence. Once, sir, standing armies were detested and decried, and the Administration with them. Yes, sir, the successors of Washington were written down for raising a comparatively small army, and now the same consistent party which, in 1793, trembled for the virtue and liberty of the Union, menaced by a handful of regular troops, can offer unprecedented bounties to raise their seventy thousand.

Another objection exists in my mind to the bill before the Committee; and were I the friend of the war the objection would still exist; and the stronger my desires for its success, the less should I be inclined to vote for that bill. The objection is, if an army should be raised, it is to be put under the command of men who have given but a sorry earnest of the future glory of the American arms. Even let *them* tell the story, and their achievements will not add lustre to this epoch of our history. I do not remember a single instance of extraordinary skill or valor, from the defeat at Tippecanoe to the defeat at Williamsburg, but the affair directed by the brave Croghan—valiant man. He and his little band performed in true style the scene at the straits of Thermopylae. The rest is too uniform to be distinguished. I admit that General Harrison was not disgraced by the attack upon Proctor's army, nor does he deserve any high panegyric. With a great army he performed a little job, and the disgrace, if any, lies in puffing so much beyond all bounds this trifling rencounter.

I wish to be understood as confining my remarks to the land; the victories of the water have nothing to do in my course. Sir, I do not mean to bestow individual censure; whose blunders have caused the failure, we have yet to learn; whether the fault is in the head, whether in the body, belongs not to me to determine, and I shall not incur the responsibility of passing judgment upon any one. It is no breach of candor to say

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that, with such a head and such a body, although they may be swollen to a much greater size, the same disastrous result may be expected. For two campaigns almost eight millions of people have been contending with less than half a million, and, at this time, not an acre of their territory is in our possession, and they are holding and fortifying two of our most important posts. Do gentlemen wish stronger proof of opposition in the minds of the people to the war? Were it popular, did it engage the hearts of the nation, Canada would long ere now been our own; swallowed up in the physical power of this nation; an army would have been raised, and led on by some heroic spirit, that might have enabled that leader, from the city of Montreal, to have written to the War Department the laconic despatch, "*Veni, vidi, vici.*" But now that obstinate little city has, for nearly two years, been defying the great power of this whole Union.

Should another army be furnished we have no security that they too will not be led on to unavailing slaughter, to certain defeat. And should we succeed in the object, and conquer the Canadas, we gain a loss. We must either keep them as conquered provinces, if we keep them at all, or introduce them into the Union; and have gentlemen no fears to add this new and uncongenial population to the already distracted, discordant mass of mixed voters? The prudent man, who wishes success to the Republic, must entertain fears from such an event.

These illiterate, uninformed people, devoted by the nature of their religion to their clergy, would be exposed to discontent from the influence of men whose religious offices are not calculated to prosper under a Government like ours. Those men would soon discover that their power was held by an uncertain tenure as republican principles advanced among them.

Mr. Chairman, the remainder of my observations will be devoted wholly to answer some remarks made by gentlemen in the majority. A gentleman from Pennsylvania (Mr. INGERSOLL) told the Committee that Great Britain was four years conquering Canada, and that, therefore, we ought at least to continue the war as long before we despair of success. Sir, is Canada worth a four years' war? No, sir, it is not worth a single battle—the life of a single American.

If the gentleman has nothing to cheer the fainting, desponding hopes of his fellow-citizens, but the promise of that cold country as the meed of four years' war, he had better stop his promising, for he may be assured that such promises will not satisfy the minds of any, unless they are more infatuated than the enthusiastic *Squire* that panted for the promised island. The promises are much of the same nature, and nearly the same prospect of being fulfilled.

A gentleman from South Carolina (Mr. CALHOUN) imputes the failure of success to the minority. "Had they joined in the war, the Canadians would have been swept from their soil." Sir, what has the minority done to impede the war? They can do nothing in this House; they

may reason, they may expostulate, they may warn, but does all this prevent the passage of war bills, and impede war preparations? It is but a feeble reason for failure. Federalists do not, in great numbers, engage in the war as soldiers, and but few of them are appointed to office, but the gentleman has his whole party, who, one would suppose, were sufficiently numerous to answer all the exigencies of the war for officers, soldiers, and for filling the loans. It cannot be pretended, that Democrats are prevented by the advice of Federalists from accepting commissions, or enlisting as soldiers. Sir, there is no soundness in the excuse.

The same honorable gentleman entertained the Committee in a manner bespeaking the authority of an apostle;—in a long lecture upon party spirit, he pointed to the boundary of the minority in their opposition, and where they must stop.

The minority, said Mr. S., will never ask that gentleman, or any of his friends, how far they may go, or where they shall stop. They will judge for themselves, and will execute with the spirit of freemen, according to the judgment they shall form. They are too proud of their own light to ask for, or receive from the satellites of a waning and beclouded planet any of their borrowed, stunted beams.

The gentleman says, "factious minorities are dangerous to Republics;" and asks, with triumph, what destroyed the ancient Republics? Who ever heard of a Government overthrown by a minority? It is, sir, a factious majority that is threatening to a free Government. Men who have flattered and worked themselves into power, which they had neither talents or integrity to manage, that have been the bane of all Republics. Jacobinism belonged not exclusively to France. It has made its appearance in all free countries; and, even in this, your Dantons and Robespierres may be found.

The same gentleman undertook to show, that this was a defensive, and not an offensive war; but it certainly would be difficult to see how he has maintained the position. Our injuries are avowed to be on the ocean, and in order to obtain redress for those injuries we invade Canada; therefore we are all the while defending by force the invasion of the rights of our seamen. This is the amount of the gentleman's reasoning, but how he is to draw his conclusion from the premises, is a little out of sight. Every war on this ground might be defensive. When a nation declares war it always complains that it has been injured; and, if the gentleman is correct, all wars are defensive. Great Britain surely may say she is defending herself against us, and hence the two nations exhibit the novel spectacle in war of both acting on the defensive.

The Chairman of the Military Committee (Mr. TROUP) observed that the eight dollars, allowed to the person who would procure a soldier, was inserted in the law to encourage recruiting, and he exemplifies it by putting a case of a father that has three sons, who would bring them to a

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recruiting officer and obtain, not only the bounty of the soldier, but twenty-four dollars for procuration. Sir, that gentleman does not know the people I represent; he does not know the people of the North and East, if he believes that fathers there, are made of such materials, to sell their sons as the master would his slaves; and, if that honorable gentleman was there, he would not find it convenient to repeat the proposition more than once. He would discover, that the poor farmers of the North possess as much independence of mind as the rich planters of the South.

The minority have been charged with too free and severe remarks against the Government. That remarks have been free and sometimes severe is not only true, but it is what the majority ought to expect; that as far as truth and propriety will warrant, we mean to go, not from a desire to give pain, but to save the country. On this subject I will only say, if I was the enemy of the Administration, I should desire no greater punishment to be inflicted upon them, than to see published an impartial history of this country, of the last seven years.

Mr. MILLER, of New York, spoke a few words by way of explanation and rejoinder to what had fallen from other gentlemen in reply to his speech.

Mr. McKEE of Kentucky, followed in support of the bill, and in reprobation of the doctrines of the minority.

Mr. McLEAN.—Mr. Chairman, it is with diffidence I rise for the purpose of submitting any of my remarks upon the subject under investigation; distrustful of my own capacity, and fearing lest I should obtrude on the time of gentlemen entirely capable of doing justice to the subject. Such considerations produce no inconsiderable embarrassment.

Already in this discussion has the spirit of partyism been excited to the most active exertions. Our language, so rich in expression, has been explored to give a loose to all the feelings of virulence. It is in vain at this late period to lament this unfortunate variance of opinion—the time has long since passed by when this difference of sentiment took place. Its causes I shall not attempt to trace, nor are my powers adequate to show the train of unfortunate consequences that have resulted. Nothing would afford me greater pleasure, if I could cover with the mantle of charity scenes that have frequently transpired. Although I do not presume to call in question the motives of any gentleman on this floor, yet I may be permitted to say, that it is extraordinary, indeed, that no important measure has been transacted by the Administration or advocated by the majority for a series of years that has not been fundamentally wrong. So often has the alarm been given—so accustomed have the majority become to hear the changes of national ruin rang by the gentlemen of the Opposition that they are no longer startled at the sound. The Administration of this Government, although it has been by gentlemen in opposition repeatedly denounced, its competency arraigned and its motives ques-

tioned, still retains, and will continue to retain, the undiminished confidence of a large majority of the American people. No aid is requisite for its vindication—it is founded upon a basis too firm to be shaken by the prejudiced suggestions of any. When this conflict of party shall have ceased; when those who take the most distinguished part in this opposition, together with the Administration, shall have been consigned to the tomb, it will become the task of the dispassionate historian to record the history of his country—his pen will be the messenger of truth, and he will do the Administration justice, which is now by many denied. Sir, I hazard nothing in saying that posterity will find the events of the present Administration on one of the fairest pages in history.

As the causes that immediately produced the war have not been investigated by gentlemen who have preceded me, in imitation of their example I shall avoid entering into any discussion of them. I will only remark that under accumulated injuries, but seldom, if ever, borne by any nation, our Government continued to remonstrate. Our wrongs were urged with an eloquence irresistible to any except those who were steeled against conviction, and such were the British Ministry. Restrictive measures were resorted to—the embargo, afterwards the non-intercourse; with increased force our diplomatists continued to urge the rights of their country. These measures were intended to coerce the enemy. If he were deaf to reason and justice, it was hoped interest might prevail. The serious effects produced on Great Britain by the restrictive system adopted by this country, it is unnecessary on this occasion to show. What was the stand taken by gentlemen in the Opposition on this critical juncture? Like many others, I speak from information. As usual, they denounced the measures of the Government. It was charged with a want of energy. It was emphatically called upon to assume that dignified station its consequence justified. That, if the national rights had been infracted, and suitable reparation refused, to have recourse to the last resort of injured nations. That there existed just cause for war, the candor of many admitted.

The Administration, steady to its purpose, sought the continuance of peace by negotiation. A repetition of injuries still greater and more alarming spoke the language of the British Government. The point of utmost endurance at length arrived—to have passed it would have been to have prostrated the national rights—to have yielded the inheritance secured by the Revolution. Sir, I speak the language, the emphatical language of the American people. The voice of a majority in this Government—the declarations of some gentlemen notwithstanding—is the voice of the people.

It has been well observed, that an injury to property, however extensive, is susceptible of reparation; that the wound is incurable only when inflicted on national honor or national independence. War was recommended—war was

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declared. Surely those gentlemen who called for energetic measures, now that the Administration had recommended them, were found active in their support. As usual they denounced the measures of the Government. French influence was reiterated from one end of the Continent to the other; anathemas were poured forth against the Emperor of France. It was loudly asserted that the war was produced through his intrigues. The Government was charged with the grossest partiality in selecting the enemy; and as an irrefragable proof, it was triumphantly asked, why a declaration of war was not made against France. No circumstance could have been more fortunate than the call for this measure by an honorable gentleman from Kentucky. It tested the ground of opposition. No circumstance could have taken place that ought more completely to have silenced the clamors of French influence. War was called for against France by a Republican member; it was voted for by a considerable number of the same party, and not more than three or four of the Opposition gave it their sanction! That we had received great injuries from France, no one ever denied; nor do I believe an instance can be cited where an individual of the majority became the apologist of France, or attempted to mitigate her enormities.

The important question now presented is, have we cause for the continuance of the war? Is it proper from the opening prospect of peace to relax in any degree our measures for its prosecution? Is not this the most favorable time for filling the ranks of our army? Suppose the Orders in Council are repealed, does that act heal the bleeding wounds of our country? Are the thousands of American seamen now held in British servitude—taken by force—retained by force—and compelled to fight the battles of our enemy, are these to be neglected and forgotten? We are perpetually told that Great Britain never claimed the right of impressing American seamen. This is literally true; but so long as every petty officer in the British navy is permitted to take British seamen from on board our ships, the rights of American citizens will be disregarded; the complement of men to man the ships of His Majesty will be obtained the first opportunity offering, whether they be Englishmen or Americans. In vain the American sailor informs them the place of his nativity, and claims America for his country. His protection is torn in pieces, and to the loss of liberty is added the keenest insult to himself and his nation. Is it an object with a magnanimous people to stop this source of human misery and national degradation? And is such an object dearly obtained if it cost the price of blood? Sir, the obligations are reciprocal between a citizen and his Government. The citizen owes allegiance, the Government protection. The Government punishes a citizen for treason; it would be unjust not to vindicate his rights. The protection of individuals was the great object in the institution of Government. The strong arm of the community must be raised in behalf of the violated privileges of one of its

members; a Government that refuses this is unworthy of confidence, the sooner it is dissolved the better.

A citizen of a Republic in former days was publicly scourged unlawfully by the citizens of one of its provinces—the sufferer continued to exclaim that he was a Roman citizen. This single instance of private injury and national degradation, called forth the eloquence of the immortal Cicero—it excited the indignation of the Roman people. Have we become so refined, through superior civilization and the perfection of liberty, as to view with cold indifference hundreds and thousands of our citizens not only held in a servitude the most intolerable, but daily and hourly exposed to the lash of the unfeeling Briton! If to redress such injuries be unworthy a struggle, then have we not cause for continuing it.

I shall say nothing as to the immense spoiliations of American property under the Orders in Council. For this cause I would not continue the contest an hour, provided security were given against a repetition of such injuries in future. Indemnity for the past could be left open to future negotiation.

We are told by gentlemen in opposition, that our Administration has yielded the point of impressment. That it will no longer contend to prescribe to Great Britain "what she terms her maritime rights." This, to the Opposition, may afford matter for exultation—but I trust in God this is not the feeling of a majority of the American people! That they have not yet become willing to relinquish so important a feature in their independence. On what do gentlemen found their assertion of the dereliction of the Administration as to impressment? They have adverted to the proposition made by Lord Castlereagh for a negotiation for peace—and the acceptance on the part of the Administration. It is admitted that the language of Great Britain is as formerly, "that she is willing to treat on principles of reciprocity consistent with the established maxims of public law, and with the maritime rights of the British Empire." This, say gentlemen, taken in conjunction with the late speech of the Prince Regent to Parliament, plainly evinces, that our enemy is determined to adhere to her maritime rights as heretofore asserted. Is the Administration compromised by its acceptance of the negotiation. Is not the acceptance a qualified one? The Administration is willing to negotiate "on conditions of reciprocity consistent with the rights of both parties as sovereign and independent nations." The field for discussion is still open as wide as it ever has been. Is it not astonishing that gentlemen in opposition should draw the conclusions they have drawn from such premises?

How are we to obtain reparation for injuries we have sustained and security for the future? Should the negotiation at Gottenburg fail, how is an honorable peace to be had? But two alternatives are presented. We must obtain the object of our contest by a vigorous prosecution of the war, or we must seek peace by submission! Shall we expect justice by remonstrance? The Adminis-

tration sought it in this way, until it became a by-word with the Opposition. Shall we indeed bear our wrongs to the foot of the British throne, and beseech His Majesty in his tender mercy to grant us justice? I hope no man in this nation is prepared for this state of degradation! Before such national debasement, I trust Massachusetts would arise from her slumbers; she would call to recollection the tragedy of Bunker's Hill; the shade of her Warren would be seen;—it would be enough, and more than enough; she would rise in her strength, put on the armor of her power, and present her phalanxes in the field as she presented them in the Revolutionary struggle.

I am aware that the majority are often reminded, that the opposers of the war are the patriots of the Revolution, the disciples of WASHINGTON; that they have raised their voices against the measure. Sir, when I see the soldier of the Revolution, the man who with our WASHINGTON bore the American standard in the field of battle and triumph, I bow with reverence at the name, and hold his character sacred. But my better judgment has taught me to believe, that no argument is more fallacious than that which contends, because a man has once been virtuous and patriotic, he will always continue virtuous and patriotic. Judas once taught the doctrine of his master—Arnold once fought the battles of his country—Cromwell in his youth was virtuous. Disciples of WASHINGTON! could we resuscitate his sleeping dust; could we call his shade from on high, he would charge some with apostacy!

I have no personal allusion to any man in this House or in the nation. I am aware there are many, very many injured by uncharitable denunciations. There are many honorable exceptions—I see them before me; men who differ from the majority doubtless in honest sentiment. I would address myself to the magnanimity of such, and beseech them, not to be induced, through personal considerations, to oppose those measures calculated to promote the best interests of their country. If in representation they are injured by the majority, it furnishes no justification for a course of measures calculated to lead to the nation's degradation! Camillus was banished by his countrymen, and, whilst he wandered in banishment, his country was invaded. The invading army marched in victory to the walls of Rome—their progress promised a speedy triumph to Gallic valor. Camillus came, not to strengthen the arm of the enemy, not to paralyze the efforts of his countrymen. He places himself in the Roman ranks—he leads them to victory.

I know that the majority have been frequently charged with a predilection for war against Britain, and that they had sought occasion to gratify this inclination. Nothing I believe could be more incorrect. Although gentlemen have stated that it was an easy thing for the majority to charge the minority with being the source of all our calamities, and thus make them the scapegoat to bear the sins of the Administration; yet I lament the charge is so well grounded. It is my belief, if the war be chargeable to party at all,

it can only be inquired after at the doors of the Opposition. All will recollect, that formerly, there were many in this country who either denied, or palliated, or excused, or justified, the aggressions of the British nation! If what they asserted could have been relied on, Great Britain might have trampled on our national rights, and trampled with impunity! It is at least within the limits of probability, that Great Britain did believe, that this nation dared not declare war; that if it did, the consequence would be, a change of Administration, or a separation of the Union! In proof of this it is unnecessary for me to call the recollection of the House to the communications of the infamous Henry; it is equally unnecessary to advert to an unguarded expression made by a celebrated Minister in England, "our friends in Congress;" no doubt, for this unhallowed expression, he merited the severest opprobrium; I hope and believe he did. These circumstances are only alluded to for the purpose of showing, however pure and patriotic, as I am willing to admit the motives of gentlemen in the minority may have been, yet such has been the tenor of their opposition, that the effect on the British Government has been precisely the same that it would have been had they been actuated by the worst of motives.

It was hoped, that a declaration of war would have united the people of this country. That they would have lost the epithets of party, under the more honorable distinction of Americans. That they at least would have united, against a nation declared to be our enemy by the constituted authority of this Government. The Rubicon was passed, but union was still remote. At the commencement of the war, some disasters occurred which were not within the control of the General Government; with what avidity were they seized, and how greatly were they exaggerated! The practice is still continued. Is it possible, that any have become so lost to American feeling, as to rejoice in the disasters of their country? How otherwise can we account for the despondency that is manifested by some at the success of our arms, and the animated strains in which every failure is depicted! Has the glory of our country departed, that its honor is a source of lamentation? Have national rights and national privileges so quickly lost their charms?

We have heard much said on the disasters of the war since the commencement of the present discussion. An honorable gentleman from New York (Mr. MILLER), has given us a very detailed account of the improper movements of our armies, and the disasters that ensued as consequences. However great the labor that gentleman may have bestowed upon this subject, (and that it was not a little, all will readily acknowledge,) however correctly he may have stated the topography of the country, and pointed out the manner in which our troops ought to have been led; yet, it is deeply to be lamented, his advice was attended with a fatal misfortune, it came too late. It is hoped, that gentlemen who have taken so much pains to delineate the errors of the past,

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actuated by the same motives of patriotism, will be induced to mark the infallible course for the future. Then shall certain victory ever accompany the American standard. It will be exempted from misfortune arising from circumstances not hitherto deemed within the control of man. It will be freed from the fatal maladies that so often prevail in the camp. It will be raised above the contingencies of the disordered elements.

The progress of the war, the declarations of some gentlemen from both sides of the House notwithstanding, has not been dishonorable to the American name and character. Passing over the achievements of our naval heroes, whose lustre I could but shade were I to attempt their eulogy—in the South, in the West and in the North, the savage has been made to tremble at our arms, and in most instances has learned submission. It is true the late depredation on the frontiers of Niagara, is an exemption. On our seaboard, the invader has been met by the bayonet, and in many instances has been driven in disgrace from the soil of our country.

The important inquiry is presented, how are we to prosecute the war with the greatest effect? We are told by some gentlemen in opposition, that all our operations for the conquest of Canada will prove ineffectual. Some say it is morally wrong to attempt it; and it is stated by others, that Great Britain cares very little about her Canadian possessions. The importance of this territory in the estimation of the British nation, was manifested by the extravagant rejoicings that took place on acquiring it. Her General Wolf was immortalized, though he fell in the struggle that attained it. If the acquisition at that period was deemed so important, at the present time it must be infinitely more important that it should be retained. When it was acquired, Great Britain claimed the more valuable portion of North America; should it now be wrested from her, she would lose with it her last foothold on this continent. I can discover no peculiar force in the objection on the ground of morality. If it be immoral and cruel to carry our arms into the Canadas, because distress is thereby brought upon their innocent inhabitants, the same objection would equally apply against the prosecution of all wars. We cannot reach personally the authors of our injuries; in all wars the innocent suffer, for they fight the battles of their country. Will our efforts for the conquest of the Canadas be in vain? Hold out proper inducements for enlistments—recruit the ranks of our Army—concentrate our forces, and the auguries of gentlemen notwithstanding, I have no fears but in another season we shall be able to possess ourselves of their strongholds and carry the American standard to the walls of Quebec. Would it be politic thus to direct the operations of our arms? We resorted to war for the purpose of obtaining redress for injuries. The infliction of the greatest possible injury on our enemy within the usages of nations, is promoting the object of the war. Take the Canadas, and we act in accordance with this policy. Gentlemen in opposition pro-

test against an offensive war; they cannot therefore give their assent to measures for the encouragement of military operations in Canada. They call upon the majority to give over this conquest; resort to measures only calculated for defence—place the energies of the nation on the ocean, the theatre of our glory, and then their co-operation shall most heartily be given. The glaring inconsistency of this proposition has been exposed by gentlemen who have preceded me. The minority refuse aid to forward our military operations in Canada, because they are offensive. Are not our operations on the ocean equally offensive? And yet to the latter their co-operation is offered. In answer to an objection stated, that it would require more troops to guard our frontier than would be sufficient to look down all opposition in Canada, it has been said—withdraw our troops from Canada, let it be understood that no offensive operations would take place against that country, and our frontier would remain unmolested. Then it appears this is the kind of defence to which gentlemen are willing to give their co-operation. To rest upon the faith of the Canadians, taking it for granted they will do us no harm, if they were to remain unmolested by us. Sir, I am unwilling to rest the defence of our country and the protection of our citizens upon such a security.

Is this war the war of a party? Gentlemen in opposition have said so. In one view they are correct, for there is a party opposed to it. Mr. Chairman, the war of the Revolution in one sense was the war of a party, for it had the opposition of a party. The majority was in favor of that war; they are so in this. That was a war for independence; this, in principle, is not dissimilar. I am far from insinuating that there is a similarity of opposition. The minority call upon the majority to convince their consciences of the propriety of the present war, and their concurrence shall be given. They ask an impossibility. Convince men who are determined against conviction! As well might they ask the majority to change the winds or remove the everlasting hills from their bases.

An honorable gentleman from New Jersey (Mr. STOCKTON) the other day, in discussing this subject, observed in substance, "if the Western militia are anxious for the acquirement of military fame, let them seek it on the ramparts of Quebec." Sir, if military fame were the only object of the Western militia, already have they acquired it. In the garrison and in the field they have given the enemy an earnest of their valor. It is true, many have fallen, bravely fallen, in the hour of battle—memorable have the banks of the Raisin been rendered by the best blood of Kentucky! Far from being depressed by misfortune, the spirit of the Western militia rose with the emergency. Sir, in the theatre of Canada, the Western militia have gathered the laurels of victory. They did not halt to inquire how far the limits of the United States extended—such cold, calculating policy did not suit their ardor. The cry was, lead us against the enemy. I need but glance an eye to see an individual on this floor,

(Gen. DESHA,) who thus gloriously bore the standard of his country. They found the enemy, and they captured them. These are some of the trophies of the Western militia, and such is the imperishable fame they have acquired. It was not until their country was freed from the disturbers of its peace, that the greater portion of them returned to their farms and their merchandise. At the call of their country, Western militia are ever willing to court danger in the field; and should imperious necessity require, they would not shrink from the Plains of Abraham, nor from measuring arms with the enemy on the ramparts of Quebec. Nay, farther—they are willing to face danger at any point, and vindicate with their bayonets the cause of their country, against enemies of any name or character.

The necessity of union is so obvious, and has been so eloquently touched, that further arguments are unnecessary, if I were capable of advancing them, to enforce it. When I open the volumes of antiquity, I find many Republics have existed, that are no more! They live only on the faithful page—no vestige of liberty is found, to mark their former limits! their fall presents awful beacons to warn us of our danger! We are pointed to the cause of their ruin! Rome was divided, and Rome lost her liberty! Carthage was divided, and Carthage lost her liberty! Athens was divided, and Athens lost her liberty! That country, once the seat of science and of freedom, where orators unrivalled with their eloquence charmed the ears and enraptured the souls of the listening Greeks, has now become the abode of wretchedness and slavery! Mr. Chairman, my spirit sinks within me when I reflect upon the mutability of human institutions, and that the same causes, sooner or later, will produce the same effects! Shall the time indeed come, when the sacred charter of our Union and our rights will exist only on paper? Then it may in truth be said, that the soldier of the Revolution has fought, and bled, and died in vain! I beseech gentlemen to cease this dangerous extent of opposition. Willingly will I disarm myself of prejudice and seek, in conjunction with them, such a course of measures as are best calculated to perpetuate the blessings of our Government. I will sit down with the admonitory language of the Father of his Country: "United we stand, divided we are in danger of falling."

Mr. THOMAS WILSON spoke as follows: Mr. Chairman, I rise reluctantly and shall be brief; intending chiefly to notice some particular observations urged in argument by two gentlemen from New York, and a gentleman from New Hampshire, on Friday and Saturday last. If, in doing so, I shall touch on ground already trodden, it will be because it lies so directly in the range of my remarks as not to be avoided without interruption.

Four grounds have been chiefly relied upon in opposition to this and the former bill, to wit:

1st. Badness of the cause of war. On this I shall offer no remarks at this time.

2d. Badness of its object, assumed to be the

conquest of Canada. This, when emphatically termed "the object," is imaginary altogether. The conquest of Canada has never been either a motive to commence the war or a primary object; but, with the gentleman from Pennsylvania, I hold it to be an incidental but indispensable object—not a primary object, but an inevitable consequence, without which I must say, with the gentleman from Louisiana and others, this country cannot be defended in a war with our present enemy from the most destructive invasion.

The observations of the gentleman from New York, on Saturday, occur at this moment. He advanced it with the utmost apparent confidence, and with an air of the most towering triumph, as if to confirm irresistibly all the novel doctrines we have heard so boldly advanced on the one side, and so ably refuted on the other, about chaining down our regular as well as militia force within a line, whilst the enemy is at liberty to attack where and when they please. Let Canada alone, said he; withdraw your armies, and you have nothing to apprehend in that direction from the enemy. Now, this could be nothing more than a strong expression of mere opinion; a proposition which could scarcely be accredited from an accredited Minister of Great Britain; an opinion without a shadow of support from reason, and in the very face of fact. Did not the enemy invade your territory at Michilimackinac without a knowledge that you had anywhere invaded his? If so, he commenced the invasion. He has continued to invade your territories from that moment to the present hour, carrying rapine, conflagration, and murder into every accessible point on all your borders, from Chicago to the shores of Lake Champlain, and from New York to New Orleans. In conjunction with the murderous savage, he has summoned your garrisons, demanding their surrender upon pain of indiscriminate slaughter of your old men and your infants, man and woman, soldier and citizen. Next after Michilimackinac, we remember the fate of Chicago, the invasion at Detroit, at River Raisin, at Fort Meigs, Fort Wayne, Sandusky, Buffalo, Manchester, Lewistown, Fort Niagara, Sodus, Oswego, Sackett's Harbor, Ogdensburg, and the villages on Lake Champlain. Will their invasion cease if you withdraw your armies? No supposition can be more extraordinary. Would the enemy suffer you to draw your forces to the seacoast, to become invulnerable there, and, undisturbed, employ your whole resources in naval preparations? No, sir; withdraw your armies, and I may say, on grounds as reasonable, at least, as any the gentleman from New York has advanced to the contrary, before the first of September next, the enemy will have not only put to flight, or desolated, or destroyed the frontier on all your border, from Lake Champlain to Lake Superior, but, unless resisted by more than one hundred thousand men, will have penetrated your country to Albany on the East, and Pittsburgh on the West. Has not a mere handful of the enemy's forces recently destroyed the strong Fort Niagara, spread flames and desolation for forty miles along the

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strait, driven before it a Major General's command, and put the country to flight near fifty miles in an interior direction? And, strange to imagine, this very circumstance is urged in argument against the bills to augment the Army!

I repeat, sir, withdraw your armies, and the degree of destruction I have imagined is not exaggerated, unless you have a positive treaty of peace for one side of your country, whilst the other is at war; unless Great Britain is thus converted into our faithful friend in one section of our country, whilst the same Power is waging with remorseless fury a war of extermination in another. Why? Because the enemy would have the power and the will to do so. The power, evidently, in the undisturbed possession of an overgrown military establishment in Canada; the will, because a sufficient motive is to be found in the diversion of your resources from defending your seacoast against his plundering squadrons, and from the increase of your naval means. I do not think the gentleman from South Carolina has succeeded, in the admirable manner common to that gentleman, in the view he took of the importance of Canada. His remark is certainly true, but had not all that point and force which I am used to look for whenever he speaks. The defence of Canada, said he, tends to save your seacoast, and accounts for the small degree of success your enemy has had in that direction. It would be still more true, to say the position of the enemy's military establishment in Canada, enables him at pleasure to exhaust your resources in interior defence, to the exposure of your maritime frontier, and thus keep down your naval means also, or to penetrate and destroy your country. Would he not act thus barbarously? I would only inquire whether, if it be in his power, would the public law of Europe restrain him? Ask your impressed seamen? Ask the survivors of Le Raisin, of Chicago, of Fort Meigs, or the relatives of a murdered family; the perishing families along the Niagara; or inquire of those who have survived the Revolution? Is it impossible for him to commit murder without the hand of a red man? By other hands he may commit a still blacker murder. The only means by which you can restrain him must be held in your own hands, or, believe me, there is no safety. For these very ends are the strongholds in Canada maintained. Quebec (a term said to import a narrow passage, a strait) is the gateway at which the greatest evils of a war with England can enter; it is an entrance at which the enemy comes upon your rear and takes every advantage; an entrance into a spacious country, having an inland seacoast of greater extent than the Atlantic; and, if a line can shield his forces in their passage along this border until time and place unite to serve his purpose, I repeat, once more, this country would become an easy conquest, or rather, an unresisting victim. But I am laboring to prove the sun shines at noonday to the satisfaction of those who see it. Gentlemen would vote an army provided you will pledge yourself that it shall not cross a line which separates your

territories from those of the enemy. To my conception it would be just as reasonable to require as the condition, that it shall march without arms and be bound in fetters whenever the enemy approaches. Such appears to me this ground of objection.

A third ground, was the impossibility of success in the contemplated invasion, and the little worth of the possessions in question, if success was possible. It was at last admitted, by one gentleman, that you possibly might succeed in gaining possession as far down the St. Lawrence as Montreal, but no farther—the fortress of Quebec would stand impregnable; whilst another gentleman contended that Canada could not be taken, because it must be done by drenching its soil in the blood of its inhabitants. Now this whole ground of argument, as well as every branch of it, I would rank among the strongest that can be urged in favor of these bills. The more competent your force, the less probability or necessity will there be of shedding blood; and, if the fortress of your enemy is already of such gigantic strength, this only furnishes another, and a cogent proof that its reduction is indispensable to your own defence. To the same effect is evidently all the extraordinary resistance already experienced. All go to prove irresistibly that the enemy has been intrenching himself, preparing his weapons of war, and accumulating strength, whilst we have slumbered in security and peace. Still, there have been strong indications that he doubted his ability, effectually, to resist our force; and, should we now persevere, and convince him that we can and will, whenever a state of war requires it, tumble all his strongholds about his ears, he will be the less inclined to re-possess them. But if we fail, we have every reason to fear the test will give him strength beyond his most sanguine expectation; he will be stimulated to new exertions, with greater confidence and strength than heretofore. Then, sir, would you be compelled, indeed, to keep on foot an overgrown peace establishment, to oppose fortress to fortress, soldier to soldier, when none are necessary. Other, and still more immediate considerations, recommend the most immediate exertion of the utmost energy to invade and conquer your enemy in Canada. He threatens, in express terms, your citizens, prisoners of war, with death—has them confined in dungeons; holds them, unfortunately for us, in considerable numbers—besides more than six thousand of your citizens in prison ships, fighting against you, and against their will. He threatens moreover, in express terms, still greater devastation on your seacoast. Take, then, his strongholds in Canada without delay, before his succors shall arrive, and before the approaching Summer shall secure his armies a retreat.

A fourth ground, the last I shall notice, was this: the incompetency of Administration to conduct the operations of the war, attempted to be proved by the recital of numerous instances of misconduct heretofore. Upon this ground the particular observations were made which furnished my decisive reason for troubling the Com-

mittee at this time. In enumerating the various instances of misconduct exhibited in order to establish the fact of incompetence or turpitude, rendering the Administration unworthy to be intrusted with an additional force, we have had a recapitulation of nearly all the military movements from the commencement of the war to the present time, without much discrimination between defeats and victories, and not only no credit is given, but a large share of censure is attached to each circumstance. The capture of York and Fort George, says the gentleman from New York, (Mr. MILLER,) were palpable defects in a campaign; for which the responsible officer was suspended indeed, but ought to have been arrested—especially for not making Kingston the first point of attack instead of York, and because the garrison of Fort George was suffered to escape. One remark, which I shall offer in reply to these observations, will apply equally to all. The decision of the gentleman precedes instead of following the inquiry recently called for by an almost unanimous vote of this House: so therefore, must necessarily be whatever may be said in reply to those facts and arguments. Some facts, however, are well known, some of notoriety, and some by official correspondence; others are probable, and some merely possible; which, with the obvious deductions may be fairly though prematurely adduced to rebut accusations, and still more so decisions which are premature. Was not York, the capital of the Province of Upper Canada, an important depot of troops and stores and of Indian supplies, placed at the very point for immediate conveyance to the Northwestern Indians in case of any obstruction on the accustomed route?—a large detachment of the British army garrisoning the place, and, what is perhaps still more important, a large vessel was on the stocks in a state of great forwardness. It is known also, I believe, that a considerable flotilla of the enemy had wintered there. Is it certain that the commanding General had no discretion, or, if he had, that there were no circumstances rendering it proper first to attack this post? It is certainly a harbor earlier open than that of Kingston, which I am not certain was free of ice at that time. The same remarks, except the last, apply equally to Fort George, the stores at each were forward on their passage to the Northwest; and, had Kingston been first attacked, would have reached their destination without interruption or the necessity of retaining their forces to second it. Had not astonishing alacrity been used in preparing for their attacks, and were they not conducted with admirable order and celerity? The garrisons escaped indeed, as they preferred flight to determined resistance; probably to prevent it was impossible—to pursue was all that was practicable. Might not even this have been difficult or impracticable immediately to execute, without artillery or cavalry, as an army must have been on first landing, and for some time after, in a country abounding in wood, ambuscades to be apprehended, and roads abated with the greatest ease?

The victory of Harrison is merely not disgraceful. The unfortunate names of Hull and Smyth are coupled together; and such of their actions as their names are supposed to disgrace, as well as those which disgrace their names, are alike confidently urged in condemnation of the Administration, without, it is admitted, having ascertained that those acts were authorized. Without waiting to examine whether authorized or not, what crime do the acts alluded to constitute, and against whom were they committed? The gentleman from New York (Mr. MILLER) exerted all his finished eloquence to depict the Don Quixote follies, as well as crimes of Hull and Smyth—in what? Their follies in offering protection and security to the inhabitants, upon condition that they are not found in arms. The crime of Hull is found in his notice, his admonitory caution to all, whatsoever, not to become accessory with the savage in the murder of his fellow-citizens. That of Smyth is found in his offers, as alleged, of forty dollars for the arms and spoils of each and every "red man" slain—not for offering a guinea for the scalp of a white man, to place in the Legislative Hall of his country! Had he done so, it was fair retaliation, according to the settled usages of war. The enemy, red or white, could have no pretext to complain, much less receive our sympathies in this Hall. Ask the only survivor of a family indiscriminately murdered in their beds, from the infant on the breast to the aged grandire, for one guinea per scalp—how heinous the crime must be to offer forty dollars for the arms and spoils of the savage murderer!

The naval victories, so far as Administration were concerned, fare little better than the unsuccessful acts of Hull and Smyth. It was, says the gentleman, as disgraceful to the Administration, as it was splendidly glorious to the officer in immediate command; because, as was alleged, a force decidedly superior to that of the enemy had not been provided. Here, Mr. Chairman, I am compelled to pause in some astonishment, that remarks so invidious should be deemed necessary, and hazarded at random, uncertain against whom, and quite as likely to apply to the naval commander as to the head of the Department. A victory which has deservedly gained the unbounded plaudits of friends and foes—a victory in all its parts, characteristics, and tendencies, more complete than any which the world has witnessed. The gentleman indeed attempts to draw a line of distinction very legible—in words!—exalting to the highest heaven the naval hero, debasing to the deepest infamy the Head of the Navy Department, or the Administration. To show how entirely unjust and illiberal, how unjust it may be, to the incomparable Perry himself, how uncongenial to his principles and dispositions, let me be permitted briefly to recapitulate the prominent characteristics of the victory, and history of that fleet by which it was achieved.

It was gained over a decidedly superior force; had the honor to be the first engagement in squadron, under our flag, over a brave, determined, and

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inveterate enemy, generally deemed invincible by all Europe; over a naval establishment of more than thirty years' standing, specially and deliberately prepared for the occasion—an occasion on which depended the fate, the long-established dominion of Great Britain over her remaining American provinces; prepared, accordingly, for attack and destruction. A victory which restores to the United States a Territory; opens the way to a conquest upon which their safety largely depends; a victory resulting in the capture of the whole opposing squadron; and, in short, a victory equalled by none in brilliancy—by none in importance; a victory, it must still be added, which depended in a degree (distinguished above all other instances of record) upon the single merit, the masterly talent, the cool, intrepid bravery, of the commanding officer. Thus does Perry stand exalted beyond all rivalry—beyond all competition—entitled to and receiving, undivided, the voluntary, spontaneous praise of all the world. I had hoped the prodigy of one blameless, faultless action, coupled with the actor's name, would in this instance have been suffered to pass down to posterity without detraction. But, when the circumstance to which the gentleman attaches such a load of infamy as to render it, in his estimation, as disgraceful as the victory was glorious, is simply that the force was not decidedly superior to the enemy, can he be free from the apprehension that, for aught he knows, he is detracting from the merit of that hero, not content with the utmost elevation the world could give him, unless it be upon the mangled name of the Administration! Suppose the force was such as Perry chose, as exactly as possible—and I harbor not a single doubt it was so—Perry superintended the whole preparation of the flotilla destined for his command, and, with all the information possessed by the Department, was consulted, no doubt, upon every particular, and his advice implicitly followed. I have no hesitation in saying, that I verily believe both Captain Chauncey and Captain Perry were offered a greater force, or knew it would be ordered, if by them, or either of them, deemed necessary.

It is, in my view, proper they should be consulted. It is not probable they required a force decidedly superior to the enemy; it is not in the character of a daring naval commander, nor was it the fact, I am very confident, in this instance. The law has wisely contemplated such cases, and provided its most liberal rewards and distinguished honors to the inferior force. Thus preferring bravery to force, will the gentleman now say the brave Perry has been influenced by pecuniary considerations? And, yet, this is no more than the law itself expects. He will hardly intimate so sordid a motive. But, if the Secretary of the Navy could be shown to have a cent of interest dependent on the inferiority of force, it appears there would be no hesitation in attributing its influence to him. But, no such thing—no blame whatever—but, on the contrary, a participation in the honor, as we participate in the light of truth—the light of heaven—without les-

sening the beauty of either, is nobly merited, and as freely shared.

The Erie fleet was prepared in about four months' time, under extraordinary circumstances of inconvenience—that of commencing a new thing in a new and remote situation; at a point in the wilderness full 400 miles and more from any ship yard, from which either men or materials could be collected; prepared of materials collected from the adjoining forests, from the State of Kentucky, from the forges in Pennsylvania, from the foundry in this city, by workmen taken from New York and Philadelphia; manned by seamen and marines collected from various distant seaports, or enlisted from the ranks of the militia; interrupted in its progress by the breaking up of the Winter roads, and, in consequence of this, delayed until the falling of the waters occasioned further interruption, by the sickness of the crews on their passage and of workmen on the ground, from fatiguing travel, and by contrary winds on Lake Ontario. No man can make himself acquainted with all the contingencies—all the accidents to which such an undertaking must, in its nature, be liable—without perceiving that it was an extraordinary performance, which required in the Secretary of the Navy the most laborious and unrelaxing vigilance, as well as the first order of talents, both for plan and execution. This argument, therefore, scarcely required refutation on its own account, but may be a useful comment on others, however plausible. The grounds of opposition have totally failed, and more than failed, in my estimation—a further proof of which will soon be seen by the large majority of this Committee which will so pronounce by the speedy passage of these bills.

Mr. TROUP, of Georgia, proposed an amendment to the bill; the object of which was understood by the reporter, as he heard it read from the Chair, to be to convert three of the regiments proposed by the bill to be raised during the war, into rifle regiments.

A motion was made for the Committee to rise, and decided in the affirmative, and leave was given to the Committee to sit again.

TUESDAY, January 18.

A message from the Senate informed the House that the Senate have passed a bill "authorizing the President of the United States to grant certain permissions to the inhabitants of the Island of Nantucket," in which they desire the concurrence of this House.

Mr. KENT, from the Committee for the District of Columbia, reported a bill to incorporate an Insurance Company in Georgetown, in the District of Columbia; which was read twice, and committed to a Committee of the Whole.

Mr. KENT, from the same committee, reported a bill to incorporate a Fire Insurance Company in the town of Alexandria, in the District of Columbia; which was read twice, and committed to a Committee of the Whole.

The amendments of the Senate to the bill "for

the appointment of an additional Judge in the Missouri Territory, and for other purposes," were read, and referred to the Committee on the Judiciary.

The following resolution was submitted to the House by Mr. ROBERTS :

Resolved, That the Standing Rules of this House be amended, by adding thereto the following provisions, to wit :

Stenographers admitted to take down the debates and proceedings of the House, shall take an oath or affirmation, to be administered by the Speaker, to wit : " I, (A. B.) do solemnly swear (or affirm) that I will faithfully, truly, and impartially, report the debates and proceedings of the House of Representatives, whenever I do report the same, to the best of my ability and judgment." And every stenographer who shall be admitted as aforesaid, after taking said oath or affirmation, shall, on such admission, state to the Speaker, in writing, whether he intends to publish his report in pamphlet or volume form, or in a newspaper or newspapers, and if in the latter, he shall give in a list of such papers as he may intend to furnish with a report ; and he shall, from time to time, give information as aforesaid, if such list should be increased or diminished, as either fact may occur, and such statement or list shall be filed by the Clerk. And every stenographer, admitted as aforesaid, shall affix his signature to his report, from time to time, as he may furnish it for publication, which signature he shall cause to be published in every case.

The resolution was read, and ordered to lie on the table.

A message was received from the President of the United States, transmitting a report of the acting Secretary of the Treasury, of the proceedings under the act for laying out and making a road from Cumberland, in Maryland, to the State of Ohio ; which was, on motion of Mr. Jackson of Virginia, referred to a select committee.

Another message was also received from the President, transmitting a report of the Secretary of State, in compliance with the resolution of the House of the 11th instant, relating to the reception of our Minister in France. The report transmits sundry documents, being a letter from Mr. Crawford, announcing his arrival in France, and enclosing a letter addressed by him to the French Minister of Foreign Affairs, and the answer thereto, &c.

Another message was also received from the President, transmitting a report from the Secretary of State, in compliance with their resolution of the 13th instant, requesting the papers respecting the Russian mediation to be laid before them. The report enclosed sundry documents, viz : a letter from Mr. Daschkoff, the Russian Minister, to the Secretary of State, dated the 8th of March, 1813, offering the interposition of Russia as Mediator between Great Britain and the United States ; the reply of Mr. Secretary Monroe accepting the same, dated the 11th of the same month ; and sundry letters and extracts of letters from our Minister in Russia, stating the time when, and manner in which the Emperor first caused to be communicated to him his intention to propose his mediation, &c. These documents were read and ordered to be printed.

COASTING TRADE.

Mr. KING, of Massachusetts, said that, when he had, on Friday last, proposed a resolution having for its object the relief of a large and suffering portion of his countrymen, although he had been put down by the Speaker, and his resolution had been voted down by an overwhelming majority of the House ; and, although these resolutions, as far as depended on that majority, had been almost kicked out of doors, he should not cease to knock at the door until he could gain admittance for what he conceived to be the right of the people whom he represented. On the occasion to which he alluded, he had addressed himself to the Constitutional feelings and powers of the House. But, alas ! on that subject he could excite no sympathy—

The SPEAKER here interrupted Mr. KING, and admonished him of his violating the rule which restricts a member making a motion, to a narrative or explanation of the grounds for it, and also of the impropriety of the reflections he had cast on the decision of the House on Friday last.

Mr. KING, when he resumed the floor, expressed his indisposition to violate the rules of the House, the feelings of the members who compose it, or of the gentleman who presides with perfect ability in the Chair. He might, he said, have pursued a course not perfectly accordant with the rules, for which, if he had done so, he asked pardon of the House. With this explanation, Mr. K. begged leave merely to add that he had thought he had come here to advocate the rights of his fellow citizens ; and, if necessary, not either to beg or buy, but to demand them.

He then proceeded to state the situation of some coasting vessels in the State which he, in part, represents, which had unfortunately been caught by the embargo law at a distance from home, and were unable to return ; the masters and sailors belonging to which—ay, the sailors, of whose rights we hear so much, had been turned on shore, and compelled, exposed to the rigors of a Northern climate, to travel on foot, some one and some two hundred miles to their homes in various parts of the District of Maine. And what were the objects to await them when they did return ? Their wives and children suffering for the want of that subsistence which it was the object of their voyage to procure, and which it was not in their power to give them. That was the fate of many of these masters and sailors. These cases it was partly the object of the resolution which he had moved to embrace ; but it had not met the views of honorable members of the House to consider it. Mr. K. said it was his wish so to frame a resolution as to meet the wishes and views of the House, which, without further remark, he would submit, and of which he thought, standing on this floor as an independent American, the Representative of a free people, he had a right not only to solicit, but demand the consideration.

Mr. K. then submitted the following resolution for consideration :

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Resolved, That the Committee on Foreign Relations be instructed to inquire into the right of so amending the act laying an embargo on all ships and vessels in the ports and harbors of the United States, passed on the 17th day of December, 1813, as to permit such coasting vessels of the United States as were absent from the district where they were owned and employed when their masters were notified of said act, to return to such districts, with their freight or return cargoes on board, on such conditions as may be Constitutional.

The House agreed, by yeas and nays, to consider this resolution.—For consideration 92, against it 62.

Mr. MACON, of North Carolina, suggested the propriety of inserting the word *expediency* instead of *right*, in the resolution.

Mr. KING appeared to decline acceding to this suggestion.

Mr. TAYLOR, of New York, saw no good which could result from the insertion of the last clause of the resolution, referring to the constitutionality of any measures to be adopted. He therefore moved to strike it out.

Mr. KING objected to this erasure. He presumed the House would take no measure on this head which was not Constitutional.

The motion of Mr. TAYLOR was agreed to.

Mr. POTTER, of Rhode Island, moved to substitute the word *expediency* for the word *right* in the resolution.—Agreed to.

Mr. FISK, of New York, said he had voted for the consideration of this resolution, out of respect to the class of persons to whom it related. But to instruct a committee to inquire into this subject so soon after the passage of the law would seem to imply that some deficiency in it had escaped the committee when they reported, and the House when they passed the embargo bill. The part of the bill to which this resolution refers, had been adopted after much deliberation; and he thought it would be unbecoming the dignity and stability which ought to characterize the proceedings of the House, so soon to inquire into the expediency of changing the principle of the bill. The House had not been unaware of the operation of the embargo law when it was passed. They knew it would operate more severely on some parts of the community than on others. They had not been unmindful of the interests of commerce; but they had hoped there was patriotism enough in those affected by the measure to induce them to reflect that, in a season of war and peril, when a system of energy became necessary, the interest of the few must yield to the good of the whole.

Mr. F. said he should be very happy to facilitate the return of those coasting vessels to their homes; as he should be to adopt measures to enable the distressed inhabitants of the frontiers to return to their habitations. Yet it was not in the power of the House to afford this relief; and he therefore did not believe the adoption of the resolution could answer any valuable purpose, whilst it might have an ill tendency, by creating suspense and anxiety in the minds of those who yet remained with their vessels, and would

remain in expectation of the adoption of the proposed measure.

Mr. TROUP, of Georgia, moved that the resolution lie on the table, with a view to take up the order of the day.—Negatived.

Mr. PERKIN, of Connecticut, spoke in favor of the resolution. He could not see but relief might be granted in perfect consistency with the policy of the embargo act; and as the resolution only proposed inquiry, he hoped it would be granted.

Mr. WRIGHT, of Maryland said, he had voted against the consideration of the resolution as first proposed, because the modification suggested was claimed as matter of right under the Constitution, thereby implicating the constitutionality of the embargo law. But, as the phraseology had been so varied as to remove this objection, he should now vote for the passage of the resolution.

Mr. BAYLIES, of Massachusetts, stated the situation of those whose cases were contemplated by this resolution, and the necessity of something being done for their relief. He should have preferred a resolution more extensive in its scope, so as to relieve a large portion of the community from the sudden interruption of necessary and convenient communication.

Mr. WARD, of Massachusetts, also spoke in favor of the resolution, which it appeared to him would be no more than a pursuance of those precedents which governed the House in like cases. Wherever a Legislature applied a general rule, which operated with peculiar severity on any particular case, the same Legislature frequently exercised the office of Chancellor, and mitigated the severity of the rule. As to the suggestion that the passage of the resolution would implicate the correctness of those who passed the original measure, he conceived there was not the least foundation for it. The House was now informed of facts which were not known, and of course could not be acted on, at the time that law passed. If these facts should not prove to be as stated, the committee of course would report and the House act accordingly. Mr. W. stated the particular hardship of the cases proposed to be relieved. He appealed to the justice of the House, whether relief ought not to be granted in cases where, by a law instantaneously passed, individuals were caught three hundred miles from home, and obliged to leave their vessels on expenses at the wharves, and travel home on foot, &c., besides being disappointed of the expectation of carrying with them on their return something for their families to eat. He thought it would be no more than consistent with justice and mercy to afford to persons thus situated at least partial relief.

Mr. WILSON, of Massachusetts, viewed this question as very similar to that embraced by the bill this day received from the Senate for the relief of the people of Nantucket. There were many vessels caught by the embargo in the ports of Boston, Newburyport, Portsmouth, and elsewhere, and not permitted to return home, which belonged not only to different ports in the District

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of Maine, but to the islands on the coast. In the district which he represented there were five large islands, containing from five thousand to twenty thousand inhabitants. On some of those islands there were no mills, and they were indebted to the Main for grinding their grain, &c., with which they were now prevented from communicating. Mr. W. moved to amend the resolution by adding to the end of it words to the following effect: "Or to make such other alterations and provisions in the same as may be deemed necessary and proper."

This amendment was agreed to.

Mr. McKIM, of Maryland, said he was opposed to the adoption of the resolution. There was no doubt considerable hardship in the cases which had been referred to; but the embargo laid was a measure of general privation. Prior to its passage, there were in existence laws to prohibit the supply of the enemy; but it was found that he was supplied notwithstanding, and to such an extent that it was found necessary to pass a law to prevent the sailing of any vessel to sea. He could not see the propriety of extending privileges to this class of cases, especially when none other afforded a greater hazard of furnishing the enemy with supplies.

Mr. MURFREE, of North Carolina, hoped the resolution would be adopted, and that the Committee of Foreign Relations would report some provision to remove the grievance, he believed to be justly alleged to exist. The House would recollect that this was the first time the coasting trade had been entirely stopped; and in a country so extensive as this, depending for mutual supplies on a free intercourse between the several States, it was impossible to have foreseen all the various inconveniences which might result in its operation from a measure so entirely new. When the celerity with which it was passed was recollected, it argued no want of forecast, nor any incapacity on the part of the majority, to suppose that there might have been some omission in the details of the bill. Permission had been given to neutral vessels to depart in ballast, or with any lading they had on board at the time, except certain articles. Mr. M. said he could not see why the same privilege should not be extended to our own citizens; for the grievance of detention from home was as great on them as on foreigners. He stated the case of a Northern vessel detained at Charleston; its departure could not be more injurious than that of a foreign vessel, while the consequences of its remaining in that climate until the expiration of the law would be certain destruction. If he could for a moment suppose the provision contemplated by the resolve could invalidate the provisions of the embargo law, or contribute to feed the enemy, no man would more heartily oppose it; but he was rather inclined to think this was a case inadvertently omitted by the framers of the embargo law.

Mr. RHEA, of Tennessee, opposed the passage of the resolution, because he supposed such a case had been anticipated by the House when the em-

bargo law was passed, and they had not deemed it necessary to provide for the contingency. The bill when first reported contained a clause giving a discretionary power to the President to relieve such cases. On due deliberation that clause had been struck out, and he was not now for reinstating it.

Mr. BRADBURY, of Massachusetts, stated that, coming from that part of the country where the pressure of the embargo was most severely felt, he thought it necessary to offer to the House his knowledge on the subject. He restated the cases of the coasting vessels detained at Boston and elsewhere by the embargo law; he considered the persons belonging to these vessels as a suffering class of the community, who had a right to look to this House for relief. Whether it could properly be afforded might well be considered by the committee. While up, he would state that there were some parts of the State which he represented which were greatly dependent on importations for the supply of flour. When he left home, the price of flour was in many places \$18 per barrel, and unless the coasting trade was in a degree released from the present restrictions on it, great distress must ensue. He doubted not but some mode of relief might be devised without the risk of supplying the enemy.

Mr. McKIM said, in reply to the observations of Mr. MURFREE, that the difference of hardship between vessels lying in one place and in another, was not worthy the consideration of the Legislature, the great hardship being in the stoppage of their sailing at all. The gentleman had asked what injury could result from permitting vessels embargoed to return home. I will tell him, said Mr. McK. I yesterday saw a letter from a respectable source in New York to a gentleman in this city, informing him that eleven vessels employed as packets between Rhode Island and New York, have been seized under a charge of supplying the enemy. This is the evil. If men had been governed by just principles, the coasting trade might well have continued, and there would have been no necessity for an embargo. But, to guard against treachery, we have been compelled to resort to this rigorous measure, and I hope we shall not relax it.

Mr. MACON, of North Carolina, observed that if he could think the passage of this resolution for inquiry menaced a violation of the embargo, he certainly should not vote for it; but a mere inquiry could have no ill effect, because, if on inquiry it should appear that the object could not be obtained, it would be perfectly easy for the House to reject the adoption of a measure like that proposed.

Mr. FARROW, of South Carolina, expressed his apprehension that this resolution was only a prelude to a proposition to repeal the embargo so far as relates to coasting vessels. The more the embargo was complained of, the more strong was its operation; for strongly as our own citizens might feel it, the enemy, whom it was intended to affect, felt its pressure proportionably still

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stronger. He was not desirous to oppress the suffering families of the mariners spoken of, but to oppress the enemy, who was fed by these means; and he should therefore vote against every proposition to relax the embargo, whatever shape it might assume.

Mr. KING, of Massachusetts, took occasion to express his sense of the candor which had been shown by some gentlemen towards this proposition. With respect to the imputation of a want of forecast which the passage of this resolution might appear to convey, Mr. K. said that all men were fallible, and when error was discovered it was always best to rectify it. The fatal error of this Government appeared to him to have been too great a confidence and pertinacity in the measures it had adopted, and it was always honorable to retract when errors had been committed. Mr. K. expatiated on the inequality of the embargo law, which he conceived to contravene the spirit of that article of the Constitution which says that no preference shall be granted to one port over another. This inequality he discovered in the operation of the late embargo law, inasmuch as the prohibition of the coasting trade affected much more injuriously the Eastern than the Southern States. As to these vessels being permitted to return in ballast, as had been suggested, he said it would not remedy the principal evil, which was the want of provisions. It would be almost literally giving them a *stone*, when they asked for bread. We must be supplied, said Mr. K. Necessity has no law; we must provide for our subsistence. Self-preservation is the first and supreme law of nature; its obligations are paramount to those of the Constitution itself. He concluded by saying that the resolution must pass; he knew it would pass, unless the minds of the majority were hardened to the distresses of those interested in it.

Mr. MURFREE moved to amend the resolution by adding, after the word *cargo*, the words "other than provisions or in ballast."

Mr. POTTER, of Rhode Island, having inquired Mr. McKIM's authority for a fact he had just stated.

Mr. McKIM restated what he had said respecting eleven packets or traders seized, and added that something was said in the letter of five more which were suspected.

Mr. POTTER said there were but two regular packets between the places he had mentioned, and that of course there must be an error in the statement.

Mr. PERKIN, of Connecticut, opposed Mr. MURFREE's motion to amend; and quoted the precedent of a clause in a former law granting permission to embargoed vessels to proceed coastwise. Would it not be better, he said, to permit the embargoed vessels to return home with the provisions necessary for the subsistence of the families of their owners and navigators; or at least to leave the subject open to the discretion of the committee who were to inquire into it.

Mr. COMSTOCK, of New York opposed the resolution, though disposed to grant relief if prac-

ticable to those who appeared most to suffer under the embargo. He did not believe the adoption of the resolution as proposed would answer any other object than to afford advantages to speculators, and he was therefore in favor of the amendment.

The question on Mr. MURFREE's amendment was decided in the negative.

The question was then taken on Mr. KING's resolution as amended, and decided as follows:

YEAS—Messrs. Archer, Baylies of Massachusetts, Bayly of Virginia, Bigelow, Bowen, Boyd, Bradbury, Breckenridge, Brigham, Caperton, Champion, Chapell, Cheves, Cilley, Clopton, Cooper, Creighton, Culpeper, Davenport, Davis of Massachusetts, Davis of Pennsylvania, Dewey, Ely, Forsyth, Gaston, Geddes, Grosvenor, Hale, Hasbrouck, Humphreys, Jackson of Rhode Island, Kent of New York, King of Massachusetts, King of North Carolina, Law, Lewis, Lovett, Macon, Markell, McLean, Miller, Moffitt, Moseley, Murfree, Pearson, Pickering, Pickens, Pitkin, Pleasants, Potter, John Reed, William Reed, Richardson, Ridgely, Robertson, Ruggles, Schureman, Seybert, Sheffield, Sherwood, Shipperd, Skinner, Smith of New York, Stanford, Stockton, Stuart, Sturges, Taggart, Tallmadge, Taylor, Thompson, Vose, Ward of Massachusetts, Ward of New Jersey, Webster, Wheaton, White, Wilcox, Wilson of Massachusetts, Winter, Wood, and Wright—82.

NAYS—Messrs. Alexander, Alston, Anderson, Avery, Bard, Barnett, Beall, Brown, Burwell, Butler, Caldwell, Comstock, Condict, Crawford, Crouch, Dawson, Denoyelles, Desha, Earle, Eppes, Evans, Farrow, Findley, Fisk of Vermont, Fisk of New York, Forney, Franklin, Gholson, Gourdin, Griffin, Grundy, Hall, Hanson, Harris, Hawes, Hubbard, Ingham, Jackson of Virginia, Johnson of Virginia, Kennedy, Kent of Maryland, Kerr, Kershaw, Kilbourn, Lellers, Lyle, McCoy, McKee, McKim, Moore, Nelson, Newton, Ormsby, Parker, Piper, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ringgold, Roane, Roberts, Sage, Sharp, Smith of Pennsylvania, Tannehill, Troup, Udree, Wilson of Pennsylvania, and Yancey—69.

So the resolution was passed.

THE WAR.

Mr. GASTON rose to offer a resolution on a subject which would be admitted on all hands to be of the first importance, in the following words:

Resolved, That, pending the negotiation with Great Britain, it is inexpedient to prosecute military operations against the Canadas for invasion or conquest.

Mr. G. said, that by the rules of the House, as he found them in practice, though he saw nothing of it in their letter, he was precluded from going any further in introducing this resolution than to explain his motives for so doing, and the reasons which at this time induced him to press its consideration. In presenting this resolution to the House, said he, I am actuated by motives which I will explicitly avow.

Mr. ROBERTS, of Pennsylvania, rose to speak to order. He said he had viewed with much pain the manner in which measures, proposed to be made a subject of deliberation, had recently been introduced into the House. He wished the Speaker to decide whether it was in order to dis-

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cuss a resolution before it was made the subject of deliberation.

The **SPEAKER** said he had repeatedly announced to the House what was his idea on this head. The rules of the House admit a member to make such a narrative of his object or views as is necessary to explain any resolution he wishes to introduce; and the introductory remarks ought to be confined within that limit. The **SPEAKER** illustrated his idea, by what he deemed the parallel case of a pleader stating a case in court before he proceeds to argue it.

Mr. **GASTON** said, he had understood the rule as now stated from the Chair, and it was not his design to violate the spirit of it. His sole object, he said, in making any remark, was, that every gentlemen might understand the reasons which induced him to submit the motion to the House; he meant not to make a single remark on the propriety of adopting it. It was known to the House, that a discussion had progressed in Committee of the Whole, on the state of our affairs as regards the prosecution of the war; yet the debate had arisen upon a matter which really afforded not a proper subject for the discussion. One motive, then, for introducing this motion, was to present a fixed substratum for the arguments of gentlemen on both sides; that this general discussion might not be had on a bill which really afforded no other topic of discussion than whether certain troops should be enlisted for twelve months or during the war. Another motive was this: it was generally admitted, on all hands, that pending this session it would be proper to discuss the state of our public affairs freely and fully; and that, for this purpose, they should take up some subject which admitted a latitude of discussion. Now, it had been intimated by the chairman of the Military Committee, that some inconvenience might result from a protracted discussion of these military bills; and, if this discussion is to take place, it had better be on some other subject. Mr. **G.** said, that he for one was, besides, prepared to vote for this bill, and he had no idea of speaking against it when he intended to give his vote for it. He therefore thought there was no occasion to delay the military bills, when the discussion would so much more correctly take place on the resolution he had offered. He was actuated by another and still more powerful motive. The motives already mentioned, were those addressed to gentlemen according to their political feelings. The one he should now state, would operate on all. It was this: whether the unexpected circumstance of a negotiation, having been invited by the enemy, did not place the state of our affairs in an aspect so entirely new as to present a question whether offensive operations ought not to be suspended? Whether the cause of humanity did not forbid us to make what he hoped would prove to be an useless effusion of human blood? These were his objects, Mr. **G.** said; and he made these remarks that gentlemen might be completely in possession of his views. He hoped there would be no objection to considering this resolution; the field

would then be open to discussion, and each gentlemen could take that part which his sense of propriety dictated to him.

The question, on proceeding to the consideration of this resolution, was decided as follows:

YEAS—Messrs. Alexander, Baylies of Massachusetts, Bayly of Virginia, Bigelow, Boyd, Bradbury, Breckenridge, Brigham, Caperton, Champion, Cheves, Cilley, Cooper, Cox, Culpeper, Davenport, Davis of Massachusetts, Dewey, Ely, Eppes, Gaston, Geddes, Grosvenor, Hale, Hanson, Huffy, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Law, Lewis, Lovett, Macon, Markell, Miller, Moffit, Moseley, Pearson, Pickering, Pitkin, Post, Potter, John Reed, William Reed, Richardson, Ridgely, Schureman, Sheffield, Sherwood, Shipherd, Smith of New York, Stanford, Stockton, Stuart, Sturges, Taggart, Tallmadge, Thompson, Vose, Ward of Massachusetts, Webster, Wheaton, White, Wilcox, Wilson of Massachusetts, Winter, and Wood—67.

NAYS—Messrs. Alston, Anderson, Archer, Avery, Bard, Barnett, Beall, Bowen, Bradley, Brown, Burwell, Butler, Caldwell, Calhoun, Chappell, Clouton, Comstock, Condict, Conard, Crawford, Creighton, Crouch, Davis of Pennsylvania, Dawson, Denoyelles, Desha, Earle, Evans, Farrow, Findley, Fisk of Vermont, Fisk of New York, Forney, Forsyth, Franklin, Gholson, Gourdin, Griffin, Grundy, Hall, Harris, Hawes, Hubbard, Humphreys, Ingham, Jackson of Virginia, Johnson of Virginia, Kennedy, Kent of Maryland, Kerr, Kershaw, Kilbourn, King of North Carolina, Leflets, Lowndes, Lyle, McCoy, McKee, McKim, McLean, Moore, Nelson, Newton, Ormsby, Parker, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ringgold, Roane, Roberts, Robertson, Sage, Seybert, Sharp, Skinner, Smith of Pennsylvania, Smith of Virginia, Strong, Tannehill, Taylor, Telfair, Troup, Udree, Ward of New Jersey, Whitehill, Wilson of Pennsylvania, Wright, and Yancey—92.

So the House decided that it would not now proceed to the consideration of Mr. **GASTON**'s motion.

WEDNESDAY, January 19.

Mr. **TAYLOR** presented certain proceedings of a meeting of delegates from several towns in the county of Saratoga, in the State of New York, recommending the adoption of energetic and decisive measures for the vigorous prosecution of the war against Great Britain; which were read, and ordered to lie on the table.

Mr. **ROBERTS** presented a petition of John Bioren, William J. Duane, and R. C. Weightman, praying the aid and patronage of Congress in printing a new and complete edition of the laws of the United States.—Referred to Mr. **ROBERTS**, Mr. **GRUNDY**, Mr. **PITKIN**, Mr. **OAKLEY**, and Mr. **PLEASANTS**.

Mr. **DESHA** presented a memorial of the Governor and Legislature of the State of Kentucky, relative to the compensation and pay of the militia of that State, engaged in the service of the United States.—Referred to the Committee on Military Affairs.

Mr. **ARCHER**, reported a bill for the relief of William Piatt; which was read twice and committed to a Committee of the Whole.

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Resignation of the Speaker, &c.

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RESIGNATION OF THE SPEAKER, &c.

The ordinary business of the day having been gone through—

The SPEAKER addressed the House in the following terms:

"GENTLEMEN: I have attended you to-day to announce my resignation of the distinguished station in this House with which I have been honored by your kindness. In taking leave of you, gentlemen, I shall be excused for embracing this last occasion to express to you personally my thanks for the frank and liberal support the Chair has experienced at your hands. Wherever I may go, in whatever situation I may be placed, I can never cease to cherish, with the fondest remembrance, the sentiments of esteem and respect with which you have inspired me."

The SPEAKER having left the Chair, and it remaining vacant—

Mr. FINDLEY of Pennsylvania moved that the House come to the following resolution:

Resolved, That the thanks of this House be presented to HENRY CLAY, in testimony of their approbation of his conduct in the arduous and important duties assigned to him as Speaker of this House.

The question having been put on this resolution by the Clerk, it was decided in the affirmative—for the resolution 144, against it 9.

A motion was then made to adjourn, and negatived—for adjournment 70, against it 90.

On motion of Mr. PORTER of Rhode Island, the House proceeded to the choice of a Speaker.

Messrs. MOORE, JOHNSON, and WHEATON, were appointed tellers; and having counted the ballots, Mr. MOORE reported, that the whole number of votes given in being one hundred and sixty-five, eighty-three were necessary to a choice; that of these votes there were—

| | | | | | |
|--------------------|---|---|---|---|----|
| For Langdon Cheves | - | - | - | - | 94 |
| Felix Grundy | - | - | - | - | 59 |
| Scattering | - | - | - | - | 12 |

and that LANGDON CHEVES, having a majority of votes, was duly elected Speaker of the House.

Mr. CHEVES was accordingly conducted to the Chair, and made his acknowledgments to the House in the following words:

"GENTLEMEN: I thank you for the flattering and distinguished honor you have conferred upon me. The best acknowledgment I can make of the gratitude which I profoundly feel, will be expressed in the exertion of every faculty I possess, to prove that your favor is not entirely unmerited. I am aware of the importance of the station to which you have elevated me, and of the difficult nature of the duties which it imposes; a difficulty to discharge them with reputation, not a little increased by the great ability with which they have been executed by the gentleman who has just descended from the Chair; but with your support I shall not despair. Err, I undoubtedly often shall; and when my errors shall be calculated to affect, in the smallest degree, the interests of the House or the nation, I shall court your correction, and submit with cheerfulness and pleasure to your authority; but if they be immaterial, as frequent differences of opinion between the House and its presiding officer can add nothing to its dignity, and may diminish his usefulness, I shall ask, what I fear I shall too often need, your kind indulgence."

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The oath to support the Constitution of the United States was then administered to him by Mr. FINDLEY, one of the Representatives from the State of Pennsylvania; and then the House adjourned.

THURSDAY, January, 20.

Mr. SEYBERT presented a petition of sundry inhabitants of Philadelphia, praying that an act may be passed to incorporate a National Bank, with a capital of thirty millions of dollars.—Referred to the Committee of the whole House on the report of the Committee of Ways and Means, on the petition of sundry inhabitants of the city of New York.

Mr. KENT, of Maryland, presented a petition of the President and Directors of the Bank of the Metropolis, praying that the said bank may be incorporated by act of Congress.—Referred to the Committee for the District of Columbia.

Mr. KENT, of Maryland, from the Committee for the District of Columbia, reported a bill to incorporate a Marine and Fire Insurance Company in the town of Alexandria, in the District of Columbia; which was read twice, and committed to a Committee of the Whole.

On motion of Mr. ARCHER, a committee was appointed to examine the state of the Clerk's office, to ascertain whether the Executive reports, reports of committees, and the proceedings of this House, are duly and regularly recorded; and to inquire into the expediency of authorizing the Clerk of this House to employ an additional assistant clerk in his office.—Mr. ARCHER, Mr. GHOLSON, and Mr. KENT, of New York, were appointed the committee.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, transmitting estimates of appropriations necessary for the service of the year 1814, accompanied with a statement of the receipts and expenditures during the year 1813; which were referred to the Committee of Ways and Means.

EXCISE AND ARMY RULES.

Mr. TAYLOR offered for consideration the following resolutions:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of substituting, in lieu of the duties on licenses to distillers, as now existing by law, a duty on the quantity of spirits distilled, and that they have leave to report by bill or otherwise.

Resolved, That the Committee on Military Affairs be instructed to revise so much of the rules and articles for the government of the armies of the United States, as relates to the punishment of offences therein mentioned; and that they have leave to report by bill or otherwise.

Mr. T. observed, as to the first resolution, that he had received communications from various parts of the country, informing him that the present duty on stills operates extremely unequally. He had now before him a letter from a person extensively engaged in distilling, stating a vast inequality in the amount of duty paid by those who

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used different kinds of stills. The only mode by which an uniformity could be introduced into the tax on stills, would be by adopting the excise principle. He hoped there would be no objection to authorize a committee to inquire into this subject. As to the second resolution, he said, it would be recollected that, in 1812, corporal punishment in the army was abolished by law; it was a fact, probably known to a large portion of this House, that, since the passage of that law, new and unusual modes of punishment had been introduced into the army, in many instances more injurious than the practice under the old system. At any rate, it would be gratifying, not only to his feelings, but to a large portion of the people whom he represented, that some change should be made in this respect. This resolution also proposing inquiry, he hoped it would be adopted.

Mr. DESHA, of Kentucky, said he had but one objection to the latter inquiry, and that arose from a fear that it would have the effect, if the gentleman's object was realized, to put a stop, in a great degree, to the recruiting service; but he would not object to its going to a committee. Mr. D. said he had seen some service since corporal punishment was abolished, and he had perceived no injury from its abolition. The different modes of punishment substituted for it, which had been alluded to, he conceived to be less injurious than that which had been done away.

The first resolution was adopted *nem. con.* The second was also agreed to—ayes 90, nays from 30 to 40.

TURREAU'S LETTER.

The following Message was received from the PRESIDENT OF THE UNITED STATES; which was read and laid on the table:

*To the House of Representatives
of the United States:*

I transmit to the House of Representatives a report of the Secretary of State, complying with their resolution of the 12th instant.

JAMES MADISON.

JANUARY 19, 1814.

DEPARTMENT OF STATE, Jan. 18, 1814.

The Secretary of State, to whom was referred a resolution of the House of Representatives, of the 12th instant, requesting the President to lay before the House any correspondence with, or communication in writing from the late Minister of France, on or about the 14th June, 1809, or by his successor since, prescribing the conditions on which their Sovereign would consent to treat of amity and commerce with the United States, &c., has the honor to make to the President the following report:

That, of the transactions which took place in the Department of State, before the Secretary of State came into office, which was in the year 1811, he has no means of acquiring a knowledge, other than from the archives of the Department, or from the persons intrusted with their safe-keeping.

That he has caused the files of the Department to be carefully examined for a communication described by the resolution of the House of Representatives, and that none such has been found of the date therein re-

ferred to, or of any other date, from the former Minister of France, or from his successor, or any trace or evidence of such a communication; that he has also inquired of the Chief Clerk of the Department, who has been in that office since the year 1807, concerning the same, and whose statement is annexed.

That no such communication was ever addressed to the Secretary of State by the present Minister of France. All which is respectfully submitted.

JAMES MONROE.

DEPARTMENT OF STATE, Jan. 18, 1814.

I know not how I can more clearly state everything that I know relative to a letter which was recently published in some of the public prints, from General Turreau to Robert Smith, Esq., and which I suppose to be the communication alluded to in the resolution of the House of Representatives of the 12th instant, than by observing, that when that letter, as published, was shown to me by a gentleman of this office, I told him I could not say whether it was genuine; that some parts did not appear new to me, but that other parts of it did. We immediately looked at General Turreau's file, and no such letter was there. I then observed, that if it was genuine, it must be the letter from General Turreau which had been withdrawn.

The fact of one of his letters, which I had translated for Mr. Smith, having been withdrawn, I distinctly remember, though I cannot speak with certainty either of its date or of its contents, more than four years having elapsed since I saw it; but I remember it was considered exceptionable, and that Mr. Smith directed me not to put it on the files, but to lay it aside. I can add, too, that it was the only letter from General Turreau which to my knowledge was ever withdrawn.

This letter was withdrawn by a gentleman attached to the French Legation, who called at the Department of State to get it, and it was delivered to him, either by Mr. Smith himself, or by me under his directions. When this was done I cannot now recollect, nor have I any means of ascertaining, except by reference to a subsequent event, which happened in the month of November, 1809. I allude to the dismissal of Mr. Jackson. For I remember, in a conversation I had with Mr. Smith respecting that occurrence at the time it took place, he observed that he supposed General Turreau would now be glad he had withdrawn his letter.

In what way the translation of this letter has got into the public prints I know not, nor do I know where or by whom it was taken from this office.

JOHN GRAHAM,

Chief Clerk, Department of State.

EXTENSION OF ENLISTMENTS.

On motion of Mr. TROUP, of Georgia, the House again resolved itself into a Committee of the Whole on the bill authorizing the enlistment of certain regiments therein mentioned, for five years or during the war.

Mr. TROUP withdrew the amendment which he proposed when the subject was last under consideration.

The question again arose on the Committee's rising and reporting the bill.

Mr. BRIGHAM said, that, having been indulged by the House, at a former session, in expressing his opinion of the fatal policy of the war, and of the injustice of it in relation to the citizens of the

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United States, he should not at this time have trespassed on the patience of the Committee, had not the system of warfare now under consideration, of which this bill is a part, appeared to him to be pregnant with pernicious consequences, and to have a tendency to defeat a speedy and an honorable peace.

This bill may, and probably will, increase the Executive patronage; for, if you raise men, there must be officers appointed to take the command, and it authorizes the President to enlist, & cause to be enlisted, fourteen regiments of infantry, for the term of five years or during the war. And it is contemplated by the friends of war, as he understands, to furnish the Administration with an army of sixty thousand men, to prosecute a war of conquest, of rapine and plunder. And it is now publicly acknowledged and avowed, that the great object of the present system is the conquest of Canada: and, to insure enlistments into the ranks, a bounty is provided of one hundred and twenty-four dollars, and three hundred and twenty acres of land, in addition to the monthly pay of eight dollars.

Sir, if this system of measures is carried into operation, it will increase the public debt, which is already enormous, and protract a war which might have been avoided, and now discontinued, much more to the honor and to the interest of the nation, than when commenced and prosecuted.

Mr. B. said that he did not suppose, at the close of the Revolutionary war, nor at the time of the adoption of the Constitution of the United States, that he should have seen the day when the American Government had extended her territorial limits nearly to the Gulf of Mexico on the South, and then commence a war of invasion to get possession of the Canadas on the North; but this, sir, is the unhappy condition of the United States. The Administration are engaged in a war of ambition and of conquest, in which the country have much to lose and nothing to gain.

The Government, in this conflict, have already suffered the loss of public confidence, the loss of reputation, and, he supposed, the loss of from fifteen to twenty thousand men; the public treasure is wasted, the country is impoverished. And, after all this sacrifice of character and property, we are not so near the conquest of Canada as when we began. Who will now say—as was confidently affirmed on the floor of this House before the declaration of war—that we can conquer Canada in six weeks or two months? No one. We have been taught better by woful experience, and by the sufferings and distresses of our armies.

This war is the source of innumerable evils; it has not only deprived our fellow-citizens of their common comforts and of their friends—of their parents and of their children, who have been slain in the field of battle, and wasted by disease—but it has destroyed that mutual confidence and complacency which is the ornament of society; and, however it may be lamented, the spirit of distrust has insinuated itself into this House, and

in a degree interrupted that harmony and mutual confidence which ought to be the characteristic and honor of this branch of the National Legislature. How does this appear? Why, it is manifest from the frequent criminations on the minority for their opposition to the present system of measures: and, although the Administration and their friends have had granted them all the men and all the money which they have asked for, to carry on their work of conquest; yet, the majority of this House attribute the defeats, the disasters, and the failures, of the American arms, to the opposition of the minority.

Mr. B. said, he knew that there was a strong opposition to the present measures of the Administration, and he wished that it was greater; for, he believed the Opposition would be the salvation of the country—he hoped so. His opposition arose from a conviction on his mind that the majority were, in their measures—he hoped not by design—in opposition to the best interest and welfare of the country; and he believed that the continuance of the war would endanger the freedom of the people and the independence of the nation.

Sir, it is very evident that the declaration of war was predicated on the British Orders in Council. This is manifest by the letter of Mr. Monroe, Secretary of State, dated July 1, 1812, to Mr. John Quincy Adams, Minister Plenipotentiary at St. Petersburg, an extract of which was communicated to Congress by Message, on the 18th instant, in which Mr. Monroe says:

“As it appeared that Great Britain would not revoke her Orders in Council, on the just ground on which it was claimed, but enlarged the conditions on which she professed her willingness to revoke them, there remained no honorable course for the United States to pursue short of war.”

From this extract, it appears, beyond controversy, that the Administration made the Orders in Council the basis of the war; and it is as evident, from the official documents, that the Orders in Council were revoked within one week next after war was declared. And, although the events of the war forbid the further prosecution of it, in language which cannot be misunderstood, yet, the Administration and the majority of this House were determined to continue it, and practically say that they will have redress of injuries in no other way than by the sword.

Upon the overtures of peace, on the part of the Government of Great Britain, and her proposition to negotiate at London or Gottenburg, to settle the differences between the two nations, on principles of reciprocity, the maxims of public law, and her maritime rights, and the prompt acceptance of the proposals on the part of the American Government—he had been induced to believe that the passion for war would abate; but he was disappointed. The war spirit is not consumed; new excitements are produced, and the ambition of those who were active in the commencement, and who have been principals in the prosecution of the war, increased. And the friends of the war, convinced, as he believed, that the pub-

lic sentiment is in opposition to the continuance of it, are driven by necessity to address the passion of avarice, and to operate on the mercenary motives of men to insure enlistments into the service.

Sir, if it is a good and just cause, why not address the understandings of men—convince the people of the justice of the war in relation to themselves—show them the necessity of the enterprise—show them any corresponding benefit—show them any moral or patriotic obligation, and they will march into your ranks by columns, and that too for a reasonable consideration.

But the people of our country—the citizens of New England—the yeomanry of Massachusetts, will not sacrifice their moral and political sentiments, for the sum of one hundred and twenty-four dollars, nor will they sell their consciences for three hundred and twenty acres of land, to be located in the moon, or in the Canadas, which it seems must be conquered, before they can be discharged; nor will they enlist into the ranks and march into Canada, there to be tortured by the tomahawk and scalping knife, for eight dollars per month.

Sir, in this bill provision is made to fill the ranks of the regular Army—and what is the regular Army! A mere skeleton. And although there may be four thousand officers in commission, it is not probable that double that number can be found in the ranks; and if you deduct those who have been captured, killed, and wounded, together with those who have wasted in sickness, and deserted, those that remain of the regular Army are but few. So that the filling of the ranks is in fact beginning *de novo*, and raising a new Army; and, knowing the difficulty of reconciling men to consent to their own ruin and destruction, you call to your aid every individual in the community to entice men to enlist into your service, by offering a reward of eight dollars to any person who shall recruit an able-bodied man into the ranks.

Mr. Chairman, was there ever an army raised on such principles? Was there ever a nation that could sustain itself in a war for the term of ten years at such enormous expense, and that too, by borrowing money? In this course of measures the Government will increase the calamities of the nation, and will be obliged to tax the people beyond their means of payment. He said that the Government were conducting the nation to poverty and ruin; and he presumed, that Congress, at this session, would authorize a loan of not less than thirty millions of dollars to meet the public exigencies. He said the expenses of the war, since its commencement, and what will be incurred in the prosecution of it, under the present arrangements, the ensuing year, would amount to not less than one hundred millions of dollars—a monstrous debt, and one too, which must be left as a legacy for our children and posterity, and a dreadful legacy it will be. But it cannot be avoided; the public treasury is exhausted; the resources of the nation have been dried up and buried in non-importation, non-

tercourse, war, and embargo. And what can be said to reconcile our constituents to this state of things? And if this bill passes, their burdens will be increased. He said that he could give no satisfactory reason to justify this destructive policy, but that it was incumbent on the majority of the House, and the advocates of the war, to satisfy reasonable men of the necessity of their measures, and of the claim which the Government have to the Canadas.

Sir, it is now avowed, that the only definite object is the conquest of Canada; and that is a territory which we ought not to have, if we could, and one which we cannot conquer, in the present divided state of the public sentiment, if we would. This being the object, he saw no end to the political state of confusion and misery in which the country is involved. He did not see but the war must be perpetual, unless the object is abandoned. How and when is Canada to be conquered? Not by this Administration? No, sir, nor in this century.

Mr. Chairman, we were not sent here to devise ways and means to conquer the Canadas. No, we were sent here for more noble purposes; to consult the welfare of the people; to protect them in their rights, and to promote the peace and prosperity of our constituents. And are we in the faithful discharge of these high and important duties? He said, that while Congress are exercising their power in the prosecution of an unrighteous and hopeless war, they forget the rights of their fellow-citizens. Sir, this country is in distress; the people are groaning under the oppression and the calamities of war, and are impoverished by restrictions and embargo; and in this situation the tax-gatherers will pick their pockets and strip them of their money. They complain—they petition for relief, but without success. And the Government administers nothing for their consolation, but merely to tell them that they live in a land of freedom, and that these evils which they suffer are for the honor of the nation. But, his word for it, the yeomanry of this country will not be reasoned out of their feelings, out of their senses, and of property, by such naked, indefinite, and unmeaning assertions. By this bill, we are about to increase their burdens, and, in his opinion, unnecessarily. He said, that all unnecessary burdens are an infringement on the rights and liberties of the people, contrary to the rules of justice and the principles of the Constitution. In justification, and to show the expediency of filling the ranks of the regular Army, it had been urged very pathetically, and that on the score of humanity, that it was necessary for the defence of the Northern frontier. He hoped that it was not a mere pretext to reconcile the committee to the passage of the bill, or to encourage men to enlist for the invasion of Canada. He said that it was very well known, that the inhabitants of the frontier have been in jeopardy; that some have been obliged to leave their habitations and flee for refuge; and it is as well known, that their misfortunes and distress have been occasioned by the measures of their own Govern-

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ment, in the invading of Canada. He said, withdraw the troops, cease the attempt to conquer the Canadas, and the frontier is quiet, and the inhabitants will be safe and unmolested.

Will the Government invade the rights of our citizens and drive the people to desperation? Shall the inhabitants on the frontier be again made the victims of retaliation? He hoped not. For, with all the blood and treasure which has been expended, not one foot of Canada have they in possession; and those who have undertaken the conquest are astonished at the failure, and begin to suspect there has been some neglect or incompetency on the part of those who have had the conducting of the war; and have, at this session, brought in and passed a resolution calling on the President, the Commander-in-Chief, to show cause why there has been a failure of success in their conquering enterprise. This is a very extraordinary call. Do they suppose that the Commander-in-Chief will criminate himself? No, he will not; the Constitution does not oblige him to. But what makes the inquiry the more extraordinary is, that it is made immediately after the President's communication at the commencement of this session, in which he congratulates his friends and the friends of the war, in these words, "the best encouragement is derived from the success with which it has pleased the Almighty to bless our arms, both on the land and on the water."

This did not satisfy his friends; they call on him for the cause of the failure; they are not convinced in this case, that the Almighty has blessed our arms both by land and water; they want further evidence than they did in the case of the repeal of the Berlin and Milan decrees.

But, it is true, there has been success on the water. Com. Perry, with his officers and crew, have achieved a brilliant victory on Lake Erie, and he wished that the skill and bravery there displayed had been applied in a better cause. All due respect ought to be paid to the President's declaration in his Message—and no question, but he thought that he had been successful on the land. Indeed, he has not seen much service—he has not had the experience of Bonaparte; but there is no doubt but he is hearty in the cause, and has conducted the war according to the best of his ability. Mr. B. said there had been as much success as could be expected, and as much as he wished for, considering the character of the war. But, suppose that the President, on further reflection, should be convinced that there had been a failure of success on the land, and in reply to the call he should inform you that he believed that it was the wind of Heaven that had blasted the enterprise and caused the failure of our arms; would you be satisfied? Suppose that he should return for answer, that the public sentiment was opposed to this war of conquest and ambition, and that the Army itself was not hearty in the cause; would you admit him to be correct? Mr. B. said that he should acquiesce in the sentiment as perfectly correct, and he had no doubt but the people would say, Amen!

The instances of success on the land have been

but few, and those not to the honor or interest of the American Government. The regular Army, so called, did take possession of Fort George, but have since evacuated it. They have burned the little village of Newark, and distressed the innocent inhabitants. What is the consequence? Why, the enemy, justly exasperated, in their turn, crossed over the line, took possession of Fort Niagara, burnt Lewistown, and spread desolation and ruin on the frontier. Here was prompt retaliation. And shall we raise another Army to act this scene over again? He hoped not. He said, from this transaction alone, had there been no other cause, he should have felt himself in duty bound to protest against the passage of the bill.

Mr. Chairman, it is high time that the rulers of the American Government should pause, and summon into the cause of humanity and justice all the wisdom and sober policy of the community, to put a stop to war, and check the savage barbarity of retaliation, or blood and slaughter may become indiscriminate. There is something horrid in this modern doctrine and practice of retaliation, and a solemn and awful responsibility rests on the head of him or them who occasioned and provoked it. It ought to be remembered, that wherever moral and social obligation exists, retaliation, injustice, bloodshed, and cruelty, are the same, whether in governments or individuals; and that no consideration of rank or power can ever alter the nature and genuine character of human actions—the soul that sinneth, it shall die.

Mr. BOWEN said: It was not his intention to trespass long on the patience of the Committee, with any remarks he would make, on the important subject now under consideration. I must, however, said Mr. B., be permitted to make a few observations in reply to some of the arguments of gentlemen opposed to the passage of this bill, which provides for raising men to support the war in which we are at present engaged. Although, Mr. Chairman, I had no agency in bringing our country into its present situation, it is not less incumbent on me to exert every effort for its relief. It is not less my duty to render all the assistance in my power to bring the contest to a favorable termination.

I had trusted, when gentlemen opposed the passage of this bill upon the ground the war we are engaged in is unnecessary and unjust, they would have gone directly to the cause which produced it originally, and have shown that it was insufficient to have authorized it, and that it ought not now to be persisted in. But gentlemen have not thought proper to adopt this course. I ask, why they have so uniformly refrained from meeting the charge exhibited by the United States against England? I allude to the unprovoked impressment of our seamen. Ought they not to meet it directly without evasion, and either admit it to be a justifiable cause of war, or show that it is a right not worth contending about, which we, in courtesy, should yield to the enemy? On this point, sir, which is really the issue between this country and England, I should listen, as I have

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on many other occasions, with great satisfaction to the eloquence of gentlemen on the other side of the House. It is well known, before the declaration of war in 1812, our dispute with England was reduced to a single point; it turned on this pivot alone: Shall we submit to the Orders in Council, the wanton plunder of our property, and the still more wanton plunder of our fellow-citizens? Or, shall we contend against these unjustifiable aggressions, and raise our arms in defence of the rights of our country? Sir, a sufficiency of that noble spirit which gave birth to our independence—"a spirit never to submit or yield, and, what is more, not to be overcome"—was happily found in the bosom of a large portion of the people of the United States. They determined on resistance; they determined, not however until the last drop in the cup of negotiation was exhausted; not until every ray of hope from that source had completely vanished; not until that period did they determine to have recourse to the last resort of injured nations. The gentleman from New Hampshire says, the people are opposed to this war. I can inform that gentleman that, whatever may be the sentiments of the people in his State, in the Western country the declaration of war was hailed as the resurrection of the slumbering Genius of Liberty. It was considered as the triumph of freedom over an avarice the most dangerous of all our passions. And, I pray you, Mr. Chairman, for what cause, on what account, are we now to abandon the contest, surrender the liberty of our seamen, degrade the nation, and cover ourselves with disgrace? Is impressment a smaller offence now than it was in 1812? Or, are we less disposed to protect and defend the dearest rights of our fellow-citizens?

The gentleman from New Jersey, (Mr. STOCKTON,) on Saturday, observed, he rejoiced that this country had given up the unfounded idea of changing the public law of Europe. We have contended for no change but in their unwarrantable practice of impressing our seamen. Does he call this the public law of Europe? Does that gentleman rejoice that this country should abandon the right of this valuable portion of our fellow-citizens? Are the rights and privileges of those very seamen, who have so gallantly supported the honor of the American flag, and caused it so often to wave triumphantly over our enemy—are their rights to be surrendered? and is that surrender to be a matter of congratulation on this floor?

The same gentleman has told us he would not vote for this bill, because this country had given up the idea of conquering Canada, and of fighting for free trade and sailors' rights. In this, I humbly presume, he is greatly mistaken. There is not a single expression in the correspondence between Lord Castlereagh and Mr. Monroe, respecting the negotiation, that will, for a moment, countenance a conclusion of that kind. England proposes to negotiate upon terms of perfect reciprocity not inconsistent with her maritime rights. Has she any maritime rights not enjoyed in common by other countries? Has she any exclusive

privileges in the great society of nations? Or, have her iniquitous practices grown up into rights, now, for the first time, to be acknowledged in this country? Sir, I acknowledge no such exclusive privileges. When England speaks of her maritime rights, I am bound to believe she refers to her *rights* and not her *usurpations*. This is the only fair mode of construing the propositions she has lately made this country.

But the gentleman from New Jersey (Mr. STOCKTON) has made a small amendment to the correspondence. He calls it England's maritime rights, as she understands them. Suppose the Administration had refused the negotiation upon the ground of this small amendment, would they have been justifiable? Would the minority have held them guilty of the blood and treasure that might have been saved by acceding to it? Would they have received it as a sufficient apology for the rejection? If not, let them not say the acceding to it is the surrender of any right previously claimed. But, sir, it is said the Administration have changed their ground. They do not intend to insist on the relinquishment of the British practice of impressment. And this is what the gentleman from New Jersey (Mr. STOCKTON) calls striking the flag of the Administration. Now, sir, I will appeal to that honorable gentleman for the mighty difference between rejoicing at the striking of our country's flag, and rejoicing at the surrender of the most essential rights of the citizens of this country. In vain may this country wave its flag, when it has no longer any rights to protect. But, sir, I am grossly mistaken if I cannot show to the satisfaction of every person in the hearing of my voice, that, in accepting the present negotiation, no point is yielded hitherto insisted on by this Government.

It is said, the proposition made by the Executive immediately after the declaration of war in 1812, through our Chargé d'Affaires at London (Mr. Russell) to the British Government, a suspension of the practice of impressment, was a condition precedent to the negotiation. In this negotiation, it is said, no such suspension is required.

Mr. Chairman, the cases are materially and essentially different. The one made through Mr. Russell was a proposition for an armistice, and then a negotiation. Is it presumable this country would go to war against the practice of impressment, and instantly turn round and agree to an armistice, when that practice might be resumed and carried on by the enemy during the pendency of the negotiation? This would be again to expose to the enemy the right we are fighting to secure. But, sir, in the present negotiation, no armistice is proposed. We are not even asked to place ourselves in the situation where the right, for which we are contending, could be violated. If a proposition for an armistice had been offered, would it not instantly have been rejected, without annexing to it the suspension of the practice of impressment? It certainly would. Hence, it is obvious that, as the propositions in their nature were different, the same conditions were not necessary to be annexed.

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The gentleman from New York (Mr. GROSVENOR) stated that the propositions made to this Government through Admiral Warren, were in substance the same with those now made. That gentleman had not surely consulted lately the correspondence on that subject, or he would not have fallen into this error. That was simply a proposition for a cessation of hostilities upon a conditional revocation of the Orders in Council. And the condition was, that they should be revived, unless the United States in some short period should repeal their laws which interdicted the British ships and commerce in our ports and harbors. I will beg leave to read a paragraph or two, from Admiral Warren's letter to the Secretary of State. After stating the revocation of the Orders in Council, he observes: "Under these circumstances, I am commanded to propose to your Government the immediate cessation of hostilities between the two countries, and I shall be most happy to be the instrument of bringing about a reconciliation, so interesting and beneficial to America and Great Britain." Again, he observes: "Should the American Government accede to the above proposal for terminating hostilities, I am authorized to arrange with you as to the revocation of the laws which interdict the commerce and ships of war of Great Britain from the harbors and waters of the United States; in default of which revocation, within such reasonable period as may be agreed upon, you will observe, by the order of the 23d of June, the Orders in Council of January, 1807, and April, 1809, are to be revived." This, sir, was a very modest request. A request for a cessation of hostilities, alone, upon the ground of a conditional revocation of the Orders in Council, and accompanied, at the same time, with a threat that unless we should repeal certain other laws, within a convenient period, the Orders in Council would be revived. To this letter Mr. Monroe made a most appropriate answer. He refuses to accede to the propositions, but tells him the American Government was willing to negotiate upon terms honorable to both nations; strongly intending, what was evidently the fact, that to have acceded to the propositions would have been dishonorable to the United States. But, sir, to put this question out of all doubt, Mr. Monroe tells the British Government through Admiral Warren, (referring to their rejection of our proposition through Mr. Russell,) that if the only objection to negotiation was the required suspension of impressment during the armistice, why not proceed without an armistice? Mr. Monroe observes, in the conclusion of his letter to Admiral Warren: "I will only add, if there be no objection to an accommodation of the difference relating to impressment in the mode proposed, other than the suspension of the British claim of impressment during the armistice, there can be none to proceeding, without the armistice, to an immediate discussion and arrangement of an article on that subject. This great question being satisfactorily adjusted, the way will be opened for an armistice, or any other course leading most conveniently and expeditiously to a gen-

eral pacification." This shows, conclusively, that the Government has always been willing to negotiate upon the precise terms she has now acceded to. I will say no more on this subject. The gentleman from New York (Mr. GROSVENOR) inquired what would have become of the independence of America, but for the opposition to the Ministerial party in England, during our Revolutionary struggle. Did that gentleman mean that the minority here would be justifiable in going as far in favor of England now, as the minority in England did in favor of America at that period? If this was the meaning, and I so understood him, he ought to have reflected, he ought to have paused to consider the nature of the rights to which the opposition is made. The minority in England at that day were in favor of the rights and liberties of mankind. It was to the oppression and usurpation of the Ministerial party, they made their opposition. Is it even whispered now, from any quarter, that America demands more than she has a right to receive? It is not. Have we not then a right to conclude that if those departed patriots, who then composed the minority in England, whose memories ought not even to be thought of, but with reverence and respect—I say have we not a right to conclude, if they were again restored to the British Parliament, their voices would be loud in the cause of America? Liberty and equality was their theme, oppression their detestation. But, sir, it is to be relieved from those same oppressions, those same usurpations, practised by the same corrupt and wicked Ministry, we have lately been compelled to shed some of the richest American blood. Kentucky, Ohio, and Tennessee, with perhaps all the other States in the Union, have now to mourn the loss of some of their favorite sons, fallen by the enemy in battle, or more inhumanly butchered at midnight by the savage, "exulting in the widow's wail, the virgin's shriek, and infant's trembling cry." Hallowed be the memory of those brave heroes, who have nobly died in defence of the rights of their country!

I confess, Mr. Chairman, I am at a loss to understand the object of gentlemen in the opposition. There is no difficulty in perceiving they are opposed to every measure the majority would adopt. In this opposition ought they not to produce a project of their own? I am not for striking out, without knowing at the same time what is to be inserted in its stead. I understood the gentleman from Virginia (Mr. SHEFFEY) and the gentleman from New York (Mr. GROSVENOR) both to be in favor of prosecuting the war, but prosecuting it defensively only. The gentleman from Virginia (Mr. SHEFFEY) expressly stated, that if the amendment he proposed, which was to confine our operations within the limits of the United States, should be adopted, he would vote for the bill. I consider this as an entire change of the ground hitherto taken on that side of the House. It is the first time I have heard a disposition avowed by them to prosecute the war either offensively or defensively. Mr. Chairman, I will co-operate most cordially with the gentlemen in

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prosecuting this war defensively; and I will go a little further. I will prosecute this defensive war, offensively. It has been ably and satisfactorily, and I will add, eloquently shown, by the gentleman from South Carolina, (Mr. CALHOUN,) that a war waged in defence of our rights is a defensive war, and that its subsequent offensive operations cannot change its original character. I understand the gentleman from New Hampshire (Mr. WEBSTER) to be willing to wage this war offensively upon the ocean, and defensively upon land. His observations were: "Keep within your own territorial limits, and send your Hulls and your Bainbridges upon the ocean, and I will go with you as far as you please." If, sir, it is immoral and improper to wage war offensively upon land, is it not equally so to wage it offensively upon the ocean? Is the conquest of the British navy a matter of such great facility? Is this the road recommended by that gentleman, by travelling in which the people could see we should so shortly arrive at our journey's end? These matters, I suppose, Mr. Chairman, can only be correctly understood by honorable gentlemen, "whose minds have received the idea of a ship through the medium of the eye."

I will say nothing on the doctrine of moral treason, touched by my colleague (Mr. GRUNDY,) or the dangerous tendency of violent systematic opposition to all measures in a popular Government. I submit these points to the serious consideration and sober reflection of gentlemen in the opposition, without further remark. But they should reflect upon the consequences of this opposition. They should remember that we live in the only Republic, the only free Government on earth; that a deadly blow has been aimed at its vitals by the fell hand of tyranny. For many years, in my opinion, England has exerted every effort in her power to reduce us to a state little short of re-colonization. Shall we bow our necks and yield them submissively to the yoke, or shall we rise, assisted by the Genius of Liberty, and shake it from our shoulders? Sir, in this critical situation of our affairs, it behooves every patriot to rally around the standard of his country. The time has come, and now is, when he who is not for us, is against us. Should we recede and yield one right, we would find England advancing and claiming another. Thus, sir, she would pursue us *pari passu*, until the last vestige of our liberty was swallowed up. With these impressions on my mind, I give my vote most cheerfully for resistance, for the passage of this bill, and the vigorous prosecution of the war.

Mr. KING, of Massachusetts, addressed the Chair as follows:

Mr. Chairman—It is with great reluctance that I rise in this debate; nothing but an imperative sense of duty could have compelled me—especially at this protracted period of it—after those brilliant displays of genius, learning, and eloquence, which, with pleasure and instruction, we have witnessed from both sides of the Hall. In this brilliant contest they appear like brothers of the same national family; and the same spark

of divinity moves and animates them in debate. Such instances add celebrity to our national character. In that every American has an interest; and though they are above emulation, still each individual may claim his proportion of the honor. I have only to regret that those gentlemen in the majority who have thus distinguished themselves, had not a better cause to advocate; and that my friends in the minority, who have at least equally distinguished themselves, could only deserve success.

Speaking, sir, of national character, and of what tends to ascertain and extend it, I should do injustice to unrivalled merit, and to my own feelings, did I not advert to our Navy—a Navy identified with glory itself; the heroes of which, if I may be permitted the allusion, have fixed the stars of our flag in the Heavens, as a new and brilliant constellation in this Western hemisphere; a sign in which we conquer; our heavenly guide to victory.

When, sir, from these brilliant objects, I bring down my mind to your mouldering, dispirited, I might add, disgraced Army, and to your contentious boasting Generals, I can scarcely persuade myself that they belong to the same nation, or form a part of the same system. And when I extend my view further and consider your sea-coast, from the Mississippi to the St. Croix, invested by the hostile squadrons of your enemy; and when I turn my attention to your Northern frontier, and behold it, for a long distance, wrapt in flames, and its distressed and defenceless inhabitants lying before an exasperated foe, and the sacred soil of our country in the possession of that foe, I could almost wish for power to call down the vengeance of Heaven, upon those rash and guilty men, who have drawn our country into the vortex of misery and ruin. "O my soul, come not thou into their secret; unto their assembly, mine honor be not thou united!"

And what, Mr. Chairman, is the object of this wide waste of desolation? Sailors' rights are now said to be the motive—the conquest of Canada the object. And do you suppose that the bold and generous sailors of America, who have been unfortunately impressed into foreign service, would wish their rights to be asserted at this expense of blood and treasure? At the expense of the lives of thousands and the happiness of millions? Believe me, they would not. I know their nature well—their generous and humane feelings. With a man in distress, friend or foe, they would cheerfully share their last biscuit. [As a practical illustration of the humanity of the sailor, Mr. K. here instanced the case of one on board of a public ship, who subscribed towards the relief of the sufferers by the late fire at Portsmouth more than was due him for wages, observing that the balance might be stopped from his accruing wages.]

But Canada, it seems, must be conquered. What do we want of Canada? What is there for us to covet? Is it to free the mongrel French from English power? Or to conquer that country for the tyrant of France—as having formerly been

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a dependency of France? The Canadians will not thank you. They contribute little now towards the expenses of their Government; but for the liberty you would give them, they must be severely taxed: at least, if you place them upon an equality with American citizens. Sir, this Administration never intended to conquer Canada. Had they, they would have launched their ships-of-the-line, steered up the gulf and river of St. Lawrence, and thundered at the walls of Quebec. Then, sir, we should have believed them in earnest. This would have been to enter boldly at the door of conquest. But now, like thieves and robbers, you have broken into the house by the windows and despoiled the defenceless inhabitants. If I cherished the least enmity towards any individual in this House, or in this nation, nay, in the world (of which I am not sensible) I could wish him no worse fortune than to be obliged to go and take Canada.

Until this Administration shall have accounted with the American people, for the numerous lives which they have sacrificed, and for the immense treasures which they have squandered in this hopeless, this disastrous war, every species of supply for its continuance should be withheld. It is then the sacred duty of the Representatives of the people, to refuse the aid requested by the bill now under consideration, and every other aid which may be requested for the same object. Here, sir, I shall leave Canada, and the several topics drawn by gentlemen into this debate. Abler hands have done ample justice to the subject. To other subjects of importance connected with the war, permit me now to ask your attention.

When, sir, this Administration declared their war against England, they proclaimed to the world, what they were pleased to consider its justifying causes: Those citizens, who were opposed to this Administration and to their war, published to the world what they deemed its causes. The one relied upon the illegal blockades, impressment, and the Orders in Council of Great Britain. The other imputed it to the art, duplicity and intrigue, of the imperial despot of France. Perhaps a combination of these causes led to the calamitous result; though without French intrigue it never would have been produced.

But I have another view of this subject to which I solicit the attention of this House, and of the American people. I consider this war as the necessary and inevitable result of that policy and system of measures, so long pursued by the present and immediately preceding Administration, under Mr. Jefferson and Mr. Madison. Yes, sir, I consider this war, connected as it is with your embargo and your internal system of taxation, which indeed grew out of it, as bringing to an important issue before the tribunal of the American people, the great question for a long time depending between the rival parties in America, as to the correctness or incorrectness of their respective systems of measures. It is indeed a momentous, a solemn question; involving the Administration of our Government, the existence of our federal insti-

tutions, and the happiness or misery of the American people. Yes, sir, upon the judgment which that people shall pronounce upon that issue, their existence as a free people depends. Do thou, O God! interpose thine eternal wisdom, and lead their minds to a correct decision.

The petty successes of party; the ephemeral triumphs of political disputants over their adversaries, are of no real importance to the American people. It is to the general policy or system pursued by any administration, which elevates them to national wealth and respectability, or overwhelms them with ruin and disgrace. Although, sir, I shall feel myself compelled to condemn the general policy of the present Administration, this shall by no means involve an indiscriminate condemnation of all my fellow-citizens, who have seen fit to rally under their banners. For we well know, that there are many men of integrity and talents, in both political parties, who do not choose to revolve within the contracted sphere of mere party politics; but who nobly dare assert their independence of party prejudice, with a steady and single view to the prosperity and glory of America. And I felicitate my country that there are many such within these walls.

The influence of Government upon a people is well known. Political writers with great truth assert, that whenever a people are prosperous and contented at home and respected abroad, the Government of that people must be well administered; that, on the contrary, when general discontent, distress, and wretchedness, prevail among the people of any nation, with degradation in the eyes of foreign nations, the administration of such a country must be feeble, corrupt, or wicked. In the one case, it is like our own majestic rivers, confined within the limits fixed by the God of nature, whose gentle currents flow through immense regions, spreading fertility and abundance among the people, and expanding as they flow to an ocean of wealth and prosperity. The other is like the same rivers, swollen by torrents, bursting their natural barriers, and deluging the country with misery and desolation. The one, in fine, is like the glorious sun himself, in the mildness of his majesty, animating all nature and dispensing health and wealth to favored climates; the other is like his torrid heats and blasts, scattering pestilence, disease, and death, through devoted lands.

Upon such principles and facts as these, I should be perfectly willing to bring to a concise issue before the American people, the important question, for a long time litigated, relative to the merit or demerit of the respective political systems which have been tried in this country.

If, sir, under Washington, this people advanced with a more rapid progress than any nation under heaven, to national respectability and happiness; and if the same people, under the Administration of Jefferson and Madison, have been deprived by them of most of their national blessings, and are rapidly declining, from their proud elevation, into misery and discontent: can they for a moment hesitate to which to give the preference;

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can they not instantly decide which is their bane, which the antidote? To the intelligence of the American people the decision is with confidence submitted.

Sir, the American people can have no preference, no partiality, no attachment, for one set of men or rulers, over another, except as the one may be more useful to them than the other, by their virtue, their talents, or their integrity. And believe me, sir, and I call God to witness the truth of the declaration, that I do not make this appeal to the judgment and intelligence of the American people, from any low, sordid, party views or motives whatever. For myself I expect nothing. I hope for nothing, from this or any Administration of my country: except that protection in the enjoyment of my life, property, liberty, and domestic fireside, which I have a right to expect in common with my fellow-citizens; and to see inviolate the sepulchres of our fathers. For there are times, in the affairs of men, when the post of honor is indeed a private station; and I infinitely prefer my humble habitation in the wilds of Maine, to any post of honor or profit in the power of Administration to bestow. Yes, sir, infinitely more dear to me is my humble dwelling there, than would be the splendid misery of yon palace.

I have remarked, sir, that I consider the present war of the Administration as the necessary result of that system of measures, if system it can be called, in relation to our own country and to foreign nations, which has been so long and so obstinately persevered in by Mr. Jefferson and Mr. Madison. This system was first proposed by Mr. Jefferson, when Secretary of State, in his laborious and celebrated report to Congress in 1793, on the privileges and restrictions of our commerce in foreign ports. Upon which report were predicated the equally celebrated resolutions proposed by Mr. Madison, then a representative from Virginia to Congress, in January, 1794. In the debates upon these resolutions, Mr. Madison and the other advocates thereof, contended, as we are informed by the distinguished historian of that period, Chief Justice Marshall: "That the propositions submitted by these resolutions, 'were the strongest weapon America possessed, and would, more probably than any other, restore her to all her political and commercial rights.' They further urged them on the ground of justice to France, by whom it was said our ships and produce were more favorably received than by Great Britain, or, in the language of the day, "The primary motive of these resolutions, 'as acknowledged by their defenders, was not 'the increase of agriculture, manufactures, and 'navigation, but to humble Great Britain and 'build up France.'" (And the same motive has most preposterously actuated those defenders to this day.) "And that if Great Britain should 'retaliate, the effects of a commercial conflict 'would be felt by her much more sensibly than 'by the United States."

Thus were thickly sown the tares of that system of commercial warfare, which have since

sprung up and ripened into non-importations, non-intercourse, embargo, and war. Well might the political writers in Great Britain consider this system as war in disguise; well might they view it as a system of coercion, acting upon the distresses and discontents of their manufacturers, laborers, and mechanics. But what is indeed most surprising in the progress of this business is, that Great Britain was disposed to, and actually did consider it, though aimed principally against her, as merely commercial restriction or municipal regulation. While France, which it professed to build up, in some instances, considered it as hostile to the rights of her subjects and the dignity of her empire.

As to the fate of these resolutions of Mr. Madison, the wisdom, integrity, and firmness of Washington shielded our country against their pernicious effects. But different indeed was the case, when other men and other counsels predominated in our country. I shall not dwell upon the violent opposition to the Administration of Washington, whereby this change was effected; nor upon the means by which the sceptre of power in America passed into other hands. It may not, however, be improper to remark, that it could be no ordinary opposition which could wring from the breast of Washington these words, as recorded by the historian above named: "For the result ' (of certain calumnies against him and his measures) as it respects myself, I care not. I have ' a consolation within, of which no earthly efforts ' can deprive me; and that is, that neither ambitious or interested motives have influenced my ' conduct. The arrows of malevolence, therefore, however barbed and pointed, can never ' reach my most vulnerable part; though whilst I ' am up as a mark they will be continually aimed ' at me." They were, indeed, continually aimed at thee, departed excellence, and with the more unerring aim, as these base assassins of reputation were concealed from public view, some too elevated, others too low for ordinary vision, and thus in secret pointed their envenomed shafts at the unsuspecting hero and father of his country! Yet these very men now affect, with a very ill grace indeed, to look up to Washington as their model! Nay, some of them even condescended to shed crocodile tears over his remains.

As soon as Mr. Jefferson had attained the highest political elevation in this country, which he had sought with so much ardor and perseverance, and a fair opportunity offered, this system of commercial warfare, this most potent weapon (as its defenders called it) which America possessed, was let off against this unhappy country. I shall not here, particularly, enumerate those oppressive acts of commercial restriction, which, in rapid succession, like the plagues of Egypt, were hurled against this devoted people. Passing by the interdiction of commerce, at the instance of France, with a part of Hispaniola, the system commenced with the non-importation act of 1806—embargo in 1807—war in 1812—and, without naming various intervening acts, embargo again in 1813.

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I will, sir, for a moment ask your attention to the effects of this system—first on foreign nations, then on our own. Premising that there was indeed a wonderful coincidence of time, object, intention, and effect between this American continental system and that of France. And there cannot be the least doubt but that he considered some of your acts, from his language and declarations, as adopting his continental system. Widely different were the effects of this system upon Great Britain and France. Great Britain, against whom it was almost exclusively intended and directed, considered it as mere commercial regulation; which indeed bore hard upon some of her subjects, but it almost cleared the ocean of the only commercial competitor which she had to encounter. And she saw and well knew that it must react with tenfold severity on our own country.

In France, on the contrary—France, which was to be built up by this system—calamitous and humiliating were its effects. The consequence there was, as Mr. Monroe, Secretary of State, correctly observed in his letter of instructions to Mr. Barlow, then our Minister at Paris, that “the ordinary usages of commerce between ‘friendly nations were abandoned’”—“that under ‘the Bayonne decree (17th March, 1808) they ‘seized American vessels and cargoes, pretending ‘that as under the embargo no American vessel ‘could navigate the ocean, all who were found ‘upon it were trading on British account and ‘were lawful prize.” But the fact, as Mr. Monroe adds, was otherwise. “The Rambouillet decree ‘(23d March, 1810) was, as the Secretary says, a ‘still more unjustifiable aggression upon the rights ‘of the United States, and invasion of the property ‘of their citizens; it made a sweep of all American property within the reach of French power. ‘It was also retrospective, extending back to the ‘20th of May, 1809. The law of the first of ‘March, 1809, which raised the embargo and ‘substituted what was commonly called the non-intercourse law, was the pretext of this measure, ‘which was intended as an act of reprisal.”

Permit me here to remark that the principal decrees of France, and Orders in Council of Great Britain, were reciprocally intended to retaliate the insults and injuries supposed by them respectively to have been received; and not originally aimed at neutral commerce. Was it, for this cause, wise or prudent in our Government to become a party in that war which had for a long time destructively raged in Europe, without at least a certainty of greater positive good to this people, by war, than by negotiation? The capture of several of your armies, the great loss of men by pestilence and the sword, the impoverishment of your country and its citizens, the investment of your seacoast, and the actual occupation of a part of your territory, and the desolation of your northern frontier by your enemy, have taught you a severe and important lesson upon this subject.

Permit me further to remark, that the rash, imprudent, not to say unconstitutional act of an

American Congress, (I do not mean in relation to the declaration of war,) led directly to that disastrous event: I mean, sir, by conferring upon your President a power which could only be exercised by the three branches of the Legislature (inclusive of the Executive) by vesting him with the arbitrary, the dangerous power, of enforcing or repealing one of your laws at his pleasure. Sir, what right had these three branches to delegate to one of them a power which the people had intrusted to the whole? By the same principle they might delegate it to either of the three branches; or to any individual in this country; nay, to Bonaparte himself. I allude to the force given by the act of March, 1809, to a proclamation of your President; and which, as was to have been expected, was afterwards so notoriously abused; whereby he was to enforce the provisions of your non-intercourse law against one of the belligerents, if the other by a certain time repealed or modified her edicts. Which power was even enlarged by the act of the 2d of March, 1811, whereby the proclamation of the President was made the only evidence of the fact upon which it ought to issue; whether, as in the first case, that fact had happened or not. It was indeed to be absolute verity, not to be averred against in law or equity. That man, ambitious of power, who, in this or any other country, possesses this, need not lament the want of any other. It is a power, sir, I would intrust to no being under Omnipotence. And the abuse of it is some evidence of the folly of conferring it. There is, indeed, much plain truth in the old adage, that in a multitude of counsellors there is safety. Such power ought to be intrusted to no individual, whether Emperor, King, or President.

I will now, sir, read, if not for the information of the House, at least for that of the American people, (and I shall make no apology for drawing their attention afresh to the subject,) a part of the memorable letter of the 5th of August, 1810, from the Duke de Cadore, the French Secretary, to General Armstrong. A letter, I presume, which will never be forgotten by the American Government or people, as forming a part of one of the most infamous cheats and frauds that ever disgraced the Cabinet of that intriguing nation; and which, instead of having been the foundation of a friendly proclamation, might with more justice have been made the foundation of a declaration of war:

“PARIS, August 5, 1810.

“I have laid before His Majesty, the Emperor and King, the act of Congress of the 1st May.

“His Majesty could have wished that this act, and all other acts of the Government of the United States which interest France, had always been officially made known to him.

“The Emperor had applauded the general embargo laid by the United States on all their vessels, because that measure, if it has been prejudicial to France, had in it at least nothing offensive to her honor.

“The act of the first of March has raised the embargo; and substituted for it a measure the most injurious to the interests of France.

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"This act, of which the Emperor knew nothing until very lately, interdicted to American vessels the commerce of France, at the time it authorized that to Spain, Naples, and Holland, that is to say, to the countries under French influence, and denounced confiscation against all French vessels which should enter the ports of America. Reprisal was a right, and commanded by the dignity of France, a circumstance on which it was impossible to make a compromise. The sequester of all American vessels in France has been the necessary consequence of the measures taken by Congress.

"Now Congress retrace their steps; they revoke the act of the first of March; the ports of America are open to French commerce, and France is no longer interdicted to the Americans.

"In this new state of things, I am authorized to declare to you, sir, that the decrees of Berlin and Milan are revoked, and that after the first day of November they will cease to have effect; it being understood that in consequence of this declaration the English shall revoke their Orders in Council, and remove the new principle of blockade which they have wished to establish, or that the United States, conformably to the act you have just communicated, shall cause their rights to be respected by the English.

"It is with the most particular satisfaction, sir, that I make known to you this determination of the Emperor. His Imperial Majesty loves the Americans. Their prosperity and their commerce are within the scope of his policy."

Let us first see what figure an American Congress makes on this French canvass. Offended by one of your laws of mere municipal regulation, (and so considered by Great Britain,) the haughty tyrant says—"Reprisal was a right, and commanded by the dignity of France;" then calmly adds—"The sequester of all American vessels in France has been the necessary consequence of the measures taken by Congress." He then insultingly subjoins—"Now Congress retrace their steps." Ay, sir, Representatives, Senators, and President, all—all "retrace their steps." The tyrant frowns—they stop; he seizes all American property—they retrace their steps; he commands it, and they repeal the obnoxious statute: or, in other words, and in his imagination, they fall prostrate at the tyrant's feet! Then, indeed, as the noble Duke has the satisfaction of stating, "His Majesty loves the Americans!"—"His Majesty loves the Americans!" Yes, sir, it is even so written. "His Majesty loves the Americans!" He loves the Americans? and seizes, sequesters, and condemns all the property within his reach. He love the Americans! and immure our defenceless sailors in his dungeons! His very smiles (if such a monster ever does smile) are to betray; his friendly professions, treachery; his love destruction; an alliance with him, would be the unnatural conjunction, by a tyrant of antiquity, of a dead corpse with a living body. Not the tiger crouching for his prey, nor the lion roaring for his food, is more to be dreaded than this scourge, this pestilence, this death. I would spurn from my country his love, his professions, and his treachery.

Still "His Majesty loves the Americans; their

prosperity and their commerce are within the scope of his policy." No doubt, sir; no doubt, when within the scope of his power. But this kind "Emperor is pleased in aggrandizing the United States," by stripping their unprotected citizens of all the property within his grasp, and expecting hereafter to aggrandize the United States by generously declaring them a territory of France, and by elevating them to the dignity of his Empire, adding to his other titles that of Lover of the Americans. How was it possible, sir, that any man in his senses could have been deceived by a paper like this? How was it possible for your President to give it the least faith or credit? It carries treachery and deceit on the face of it. Yet, sir, on this deception was predicated the fatal proclamation of your President of the 2d November, 1810, whereby he proclaimed to the world that, on the day before, at a place more than three thousand miles from him, a certain fact had happened, essential to the validity of that proclamation, but which, in truth, did not take place till April after, and which was not promulgated till May, 1812, in season to effect the rescinding of the British Orders in Council; in such time that neither fact should be known in this country till after your declaration of war; and the intent of that declaration was the subject of conversation in Paris before it was in America. Our Government had certainly agreed with that of France to declare war by a certain day, (say the first of June, 1812,) unless the British Orders in Council should be rescinded before that day. And they did but too faithfully keep their word.

Sir, Congress themselves did not believe that the French Decrees were repealed so late as March, 1811, when they re-enacted the provisions of your non-intercourse law, which had been attempted to be revived by this proclamation. And Bonaparte, though solicited to save the apparent veracity of your President, intending to add the grossest insult to the highest injury, would not condescend to found his repealing decree upon that proclamation, because he well knew it was a mere dead letter, as his decrees were not repealed when that proclamation was issued; but he founded it upon the act of March, 1811, as an act of resistance to British aggression. The only concession he made to the proclamation, was to suspend a few condemnations, though not any of his captures or seizures. Is it not then apparent that our Government has by this imperial despot been grossly deceived? Willingly and blindly led on, step by step, to a situation from which they could not recede without disgrace and dishonor to themselves, or go forward without distress and ruin to their country?

"Alas, their dazzled eyes

Beheld this man in a false glaring light,
Which conquest and success have thrown upon him!
Did they but view him right, they'd see him black
With murder, treason, sacrilege, and crimes,
That strike my soul with horror but to name 'em!"

Attend for a moment, sir, to the declarations of your President himself, in his three Messages preceding this session. You will find him speaking

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in relation to France of "authorized expectations," "amicable professions," "negotiations procrastinated to the latest date." Ay, sir, this procrastination is indeed the very thief of time—of millions of American property—and of a large proportion of our national spirit and reputation. In his Message at the last session he speaks of "delays before so unreasonably spun out." Yes, sir, spun out indeed! And he will continue to spin them out, so long as you condescend to send him the raw material. Yes, sir, here were spun those halters which, in the appropriate language of an eloquent gentleman on a former occasion, were by France so twisted round the necks of this Administration, that nothing but the sword of war could sever them.

Why then disgrace our country by keeping your Minister dancing attendance at the Court of this proud, sanguinary, and faithless tyrant? Is Republican America to be the only nation to prop his tottering throne? Thank God the "tyrant falls, and the world again is free!" Let us, then, emancipate our country from this imperial slavery! and with the immortal bard exclaim—

"Then be these juggling fiends no more believ'd,
That palter with us in a double sense;
That keep the word of promise to our ear,
And break it to our hope."

One word, as to the fact, that the promulgation of the French repealing decree was the ground of rescinding the British Orders in Council; which, however, an honorable gentleman, on a former occasion, said that no gentleman on this floor dare assert. Yes, sir, in the language of menaces—dare assert! Now it happened that every gentleman on this side of the House, who followed that honorable gentleman in debate, not only dared to assert, but actually to prove the fact. And, sir, if you take as competent the same witness made use of by that honorable gentleman himself, the fact is susceptible of the most complete proof. I mean the Prince Regent himself, in his very rescinding decree. But, sir, passing by that, the fact is proved by one of that honorable gentleman's political friends; one, too, whom he will not be disposed to disbelieve. I mean the President himself, who, in his Message to Congress in November, 1812, says, "This proceeding, (the promulgation of the French repealing decree,) although made the ground of the repeal of the British Orders in Council, is rendered by the time and manner of it liable to many objections." Ay, sir, "made the ground of the repeal of the British Orders in Council." Now, sir, let that honorable gentleman go to the palace and beard your President, and demand of him how he dare pronounce to the American people this damning fact? Nor, sir, can any reflecting man doubt, that had either the fact of the promulgation of the French repealing decree, or of the British rescinding order, been known in America prior to the declaration of war, that destructive event would not have taken place. And it is not too much to add, that had not the Presidential election been pending, that declaration would not

have been precipitated. The greatly increased patronage which that event would give, appeared to the self-constituted managers of that election to be absolutely necessary to secure the re-election of Mr. Madison. We well know that a suspension of that declaration for two months only would have prevented the supposed necessity of it; saved thousands of lives, and millions of treasure, and our country from disgrace and ruin. Is it too much, then, to assert, that he bought his way into the Presidency, and thus ingloriously rose on the misery and disgrace of his country?

But, sir, the demoralizing, the calamitous effects of this commercial restriction and war, are the most to be deprecated. The ruin of commerce and the oppression of the merchant and sailor, are evils too great to be longer borne. And all this wide waste and ruin in a war professedly for "free trade and sailors rights!" What has the merchant and the sailor done to draw down upon them the destructive vengeance of Government? Search the world, where will you find a more enterprising, more intelligent class of citizens than the merchants of America? Your once overflowing Treasury, the immense riches which formerly flowed into our country, were indeed splendid monuments of their industry and enterprise. Consider likewise the hardy, adventurous tars of America; every sea and climate bore witness to their intrepidity and boldness. Nay, sir, in the present war, from the deepest abyss of infamy and disgrace they have plucked up, and now hold suspended, your drowning honor by the locks!

But in eulogising one class of this abused, insulted, and oppressed people, I do injustice to the rest. Would to God it were possible, from the elevation of this Capitol, or of yon palace, that this Government could behold the disgrace, distress, and ruin, their acts have brought on this country. But the Executive part of the Government, living at their ease in splendid mansions, maintained at the public charge, fed by the people, (who yet appear "to lick the hand just raised to shed their blood,") little, ah little! do they think of the accumulated misery and distress which their oppressive acts have brought upon this once happy country.

Sir, you will drive this people to madness! Restore them to peace before it be too late! Restore to them their commerce, their fisheries, their accustomed modes of supporting their families, before they turn upon you in despair! Restore to them millions of property sacrificed in this ruinous contest—restore sons to their fathers—fathers to their wretched wives and children—whose blood now cries from the ground for vengeance upon their cursed betrayers, who owe their greatness to their country's ruin; then, instead of "curses not loud but deep," the blessings of those ready to perish will light upon you.

Sir, I will conclude by declaring to all our enemies, both foreign and domestic, that however widely we may differ upon minor points, however justly and pointedly we condemn the violence and oppressive acts of our rulers, America is still our

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country; still dear to the patriot breast, and must be defended; her independence and her rights were purchased by the best blood of our forefathers, and when necessary will be protected with that of their sons!

Mr. WRIGHT.—The wide range gentlemen have taken in the discussion of this bill for the increase of the Army, although not confined to the merits of the bill, will not only justify me, but make it my duty to follow them. My long and patient attention to their arguments furnishes a just confidence that I also, in my turn, shall be attended to. In order to present to the American people the conduct and characters of the party, I must entreat the indulgence of the House while I exhibit them in their true colors. I will show their systematic opposition to the Government from the commencement of Mr. Jefferson's Administration up to the present time, having, in 1800, been myself appointed to the Senate of the United States, and having been ever since a member of that body in the government of Maryland, or in this House, so that the history I shall give will not be at second hand.

You will all recollect as soon as Mr. Jefferson entered into office, he was charged with being opposed to a navy, and, as an evidence of that fact, that he was selling off the ships that had been built or purchased in the preceding Administration, although they well knew the fact, that the sale of those ships was in compliance with an act of Congress passed in the last year of Adams's Administration; but so devoted were the party to fix this charge on Mr. Jefferson, that they have persisted in it; and it has been insinuated even during the present session. Although I do not mean to object to the sale of these ships, as I have understood it was because they were not worth repairing, yet I do protest against the unfounded clamors against the Administration for doing that which they did not do.

The honorable gentleman from New Hampshire (Mr. WEBSTER) has in strong terms advocated the liberty of speech and of the press. Has either been attacked? I can assure that gentleman that I respect these rights as much as he can, and will as zealously endeavor to preserve them; but, in doing this, I must not be expected to advocate their licentiousness, the only rock on which they will ever be in danger of being shipwrecked. But, in limiting their exercise, I shall confine them only to the Constitution, the law, and the truth; limits beyond which, I presume, no honorable man can wish to carry them. And here permit me to suggest to speakers and printers the very admirable rule prescribed by Mr. Bullick to himself in his history of the war of 1756, and inscribed in the title page:—"Est historici nequid falsi audeat dicere, nequid veri non audeat." Had that rule been adopted, Mr. Jefferson's Administration would not have been charged with selling the ships sold by a former Administration, nor would the desire to restrain its licentiousness have been ascribed to the Republican party, as a wish to restrain the liberty of speech or of the press, it being a well known fact, that the article

that secures the liberty of speech and of the press, is one of the amendments of the Constitution, and that they were secured by the Republican party, who insisted on their being all-important to be secured, and the Constitution unsafe without them. Nor will it ever be forgotten that the Federalists passed the memorable law, called "the Gag Law," to expire with Mr. Adams's Administration; so that really, on investigation, it will be found that the Republicans are the friends to the liberty of speech, and not the Federal party.

Now, let me call your attention to the treaty with France, which was also charged on Mr. Jefferson's Administration, and for which he was denounced as sacrificing twenty-four millions of dollars of mercantile American property at the shrine of France, when, in fact, that treaty was ratified by Mr. Adams in the last year of his Administration, whereby, no doubt, twenty-four millions of American property were sacrificed, but by a Federal Senate, and at the shrine of Great Britain.

By the second article of the treaty it was stipulated that France and America should adjust the respective claims of the American merchants for French captures, said to be equal to twenty-four millions of dollars, and the claim France set up for damages in our not aiding her in the defence of her West India islands, agreeably to the guarantee of the Treaty of 1778, in which France reciprocated to us the guarantee of the United States against Great Britain, and had, so far, fulfilled it. The Senate, no doubt, to absolve the United States from their guarantee to France, and to secure Great Britain against our performing our engagement to France, gave up the said twenty-four millions of dollars. This being the fact and the effect, they therefore rejected the second article of the treaty, and Mr. Adams himself had the firmness, in his ratification of the treaty, to protest against the striking out of the second article, declaring that he ratified the treaty without the second article, because the Senate had refused to ratify it with it. And, however extraordinary this conduct of the Senate, and however distinctly marked by Mr. Adams's disapprobation, yet the Opposition had the hardihood not only to charge it on Mr. Jefferson's Administration, but also as a sacrifice to France.

Will gentlemen, after practices so odious and misrepresentations so palpable, when pressed to confine themselves to the truth, charge us with attempting to restrain the liberty of speech or of the press? Can honorable men attempt to justify such licentiousness?

The Administration is charged as being governed by France in all its movements; and this memorable French treaty, ratified at the time and in the manner I have stated, has been often pressed upon the American people, as evidence of the fact.

It will be recollected, that, by the second article of this French treaty, the spoiliations made by France were to have been paid; but, by striking out the article, they were given up; as, when a treaty is made to settle all existing differences,

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and ratified, it closes all the claims of the respective parties up to the date of the treaty, unless expressly reserved. It is also a fact, that Spain, then holding her political existence almost at the will of France, had suffered France to fit out privateers in her ports to cruise against the United States, and had suffered French privateers to bring their prizes into Spain, and condemn them by French Consular Courts; that Spain made a treaty with the United States, in which she stipulated to pay for these spoiliations; that the treaty was submitted to the Senate of the United States, while I was a member of that body, for ratification; that, on the question being put, the Federal members (being then more than one-third) voted against it, whereby it was rejected—two-thirds of the Senate being necessary to ratify a treaty. The Senate are called on to vote in alphabetical order, and being the last on the list, and discovering the treaty would be rejected, I voted with them, that thereby I might be enabled to move a reconsideration of the treaty, which I did; and it was postponed till the next session, when we had an accession of strength in the Senate—the people having got their eyes open.

Here again our merchants were sacrificed, and, in my opinion, again at the shrine of Great Britain—the Federalists being unwilling to settle our differences with Spain, because the ally of France, then at war with England, and kept these spoiliations unsettled to justify a war against her.

Between that time and the next session, Spain herself objected to the payment of the spoiliations made by French privateers fitted out in Spain, and the spoiliations made by French privateers brought into Spain and condemned by French Consular Courts;—that the United States had absolved France from all spoiliations, for which France was responsible; and that, in the cases stipulated by the Spanish treaty, to be paid by Spain, it was as accessory to France, and for which France was responsible over to her as principal; and that, under such circumstances, our discharge of the principal upon principles of justice discharged the accessory.

That I am correct in my conjecture as to the cause of rejecting this treaty—to wit, to bring about a war with Spain—I will show you their conduct about the time of the purchase of Louisiana. Previous to this, Spain had, by treaty, granted to the United States the navigation of the Mississippi, and had assigned to her a place of deposit at New Orleans, with an express stipulation that she might at any time arrest the right of deposit at New Orleans, on assigning a convenient place of deposit on the banks of the river. Spain arrested our right of deposit at New Orleans, which no doubt was very injurious to us, but (as she lawfully might) assigned a place of deposit on the banks of the river, agreeably to her stipulation. But, the Federalists in the Senate were so keen for a war with Spain, on account of her changing the place of deposit, that an honorable Senator from Pennsylvania (Mr. Ross) offered to volunteer his services in a war against her; and the whole of the party in

the Senate were so bent on taking possession of the property of Spain in that quarter, that they declared that New Orleans was the key of the Mississippi, and that the people on its waters could not be kept in the Union without its use, and implicated the loyalty of that people, who, during the present war, have so eminently distinguished themselves, and covered themselves with glory; and (strange to tell!) that, among the causes of this contemplated war, were enumerated the very spoiliations that Spain had once stipulated to pay, and which they themselves had rejected! But, had you witnessed their declarations as to the importance and inestimable value of these possessions, at the time they wished to involve the nation in a war with Spain for their acquisition, and afterwards, when acquired by purchase, their declarations of their insignificance, you would have been astonished at their versatility, although they did not cost us more than the expense of a single campaign, and although, having purchased them by the sword, we should have had to have held them by the sword, and that at great expense. Nor, sir, can we forget the conduct of that party in this House, although their acquisition had been once thought of such vital importance to the Union, that the Western people would not be kept in it without them, yet, the annexing Louisiana to the Union at another time has been insisted on here, and declared on this floor just cause for a dissolution of the Union, "peaceably if they can, forcibly if they must." Then, sir, you will recollect that Spain was the ally of France; but, now, how is the scene reversed! Now, Spain is the ally of England! Has she paid those spoiliations, with their accumulated interest, which in the estimation of Federal gentlemen ten years ago were just cause of war, and for which our Government was then denounced for not going to war with Spain for what we had no right to, and is now denounced by the same party for taking Mobile—a small part thereof, after we have fairly purchased it? And you know, sir, the great sensibility gentlemen have expressed as to the annexing Florida to the United States, and can feel no difficulty in discovering the cause—"that Spain is the ally of England"—when you review their solicitude, which was so ardent, when Spain was the ally of France, that they volunteered their services upon the occasion.

Now, let me call your attention to the conduct of the party, when Mr. Jefferson nominated a Minister to Russia. He was denounced for sending a Minister to a Russian boor—to a Court with whom we had no such connexions as could justify the sending a Minister to it—that it was intended only to increase the Presidential patronage and the public burden. Then, you will recollect, that Russia was the ally of France, but now Russia has become the ally of England. Her Emperor—the great deliverer of Europe—he is now eulogized as the idol of the party, and his victories are celebrated with great splendor by that party, while our own splendid naval victories are not celebrated by them at all. And, can any man of common sense feel even a doubt that their devo-

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tion to Great Britain is the cause of their alternate hatred and affection to Russia?

And now, sir, the present Administration is charged with involving the nation in a war against the will of the people; that the war is unpopular, and the people will not support it. What! can the American people be opposed to war, when the dire alternatives are war or submission? What! have we already forgotten that that war was declared by a large majority of the Representatives of that people, and have been generally re-elected? Have we forgotten that the war was approved by almost every State and Territory in the Union, by resolutions expressing their approbation of it, and pledging their lives and fortunes to support it, until the objects for which it was declared were obtained? And can we ever forget the Federal clamor against the President for the declaration of war, and their united efforts to defeat his re-election because of that declaration? And gentlemen know too well the great majority by which he was re-elected, which ought to have silenced the opposition, as to the popularity of the war. Whence these clamors against the war? and what the cause? The clamors are from the East. But, sir, if we will examine our own archives, we shall find, that, in eighteen hundred and six, remonstrances came from Boston, the cradle of the Revolution, and from Salem, in her neighborhood, and soon after from all the commercial towns in the United States, complaining of British aggressions, claiming of the Government the exercise of all their energies, and pledging their lives and fortunes in support of such measures as they might adopt for their redress. I ask, have the aggressions been redressed? Nay, have they not thickened upon us? And although the Government, with unabating assiduity, used all their means to effect their redress by negotiation, yet so impatient were they to the East as to declare that the Government could not be kicked into a war. And did not the President inform us at the time we declared war, that every spark of hope to obtain redress by negotiation was extinguished? And will any man of candor or of truth say, under such a state of things, war ought not to have been declared, and that there was any alternative but war or submission?

It would seem very strange, indeed, that the clamors against the war should proceed from the East, where the first remonstrances were made praying for redress, and pledging their lives and fortunes for the support of such measures as the Government might adopt for the purpose, had we no means of developing the cause; but, alas! I fear its solution will be found in the mission of Doctor Henry, who, on the 14th of February, 1809, at Burlington, in Vermont, in a letter to Governor Craig, of Canada, says: "I learn that the Governor of this State is now visiting the towns in the northern section of it, and makes no secret of his determination, as Commander-in-Chief of the militia, to refuse obedience to any command of the General Government, which can tend to interrupt the good under-

standing that prevails between the citizens of Vermont and His Majesty's subjects in Canada. It is further intimated, that in case of war he will use all his influence to preserve the State neutral, and resist with all the force he can command to its being made a party. I need not add, that if these resolutions are carried into effect, the State of Vermont may be considered as an ally of Great Britain."

When we consider the conduct of Governor Tichenor, in eighteen hundred and nine, as above stated, and the recent conduct of Governor Chittenden, late a member of the Opposition in this House, by proclamation, calling home the militia draughted into, and then in the public service, the public will be satisfied that Henry's mission was not a fable, nor without effect.

The honorable gentleman from New Hampshire (Mr. WEBSTER) has told us that the Constitution was a compact and a compromise of the States to secure their respective interests; that commerce was the great interest of the East, and ought to be protected and secured to that section of the Union; that the embargo law was a vital stab to it, and a violation of the Constitution. I admired his talents, and should have been glad to have seen them exerted on the side of his bleeding country, when her villages on the frontiers were smoking in ruins under the conflagration of a foreign foe, and our women and children bleeding under the savage tomahawk, or committed to the flames. But that cannot be expected after the declarations that have been made on this floor, and the object of the party avowed, "to put down the present Administration" and put themselves in power. *Delenda est Carthago!* The President must be put down; and the end will justify the means, I suppose, by means lawful or unlawful—*per fas aut per nefas*—it must be done. But the embargo is unconstitutional, and the President who advised it must be denounced. What! has that gentleman forgot that under the Administration of the great WASHINGTON, in seventeen hundred and ninety-four, an embargo law passed; and is he prepared to charge that venerated patriot, who so eminently engaged in the formation of that instrument, by whose wisdom it was matured, by whose sign manual it was consecrated, and by whose advice it was adopted, with a violation of it? His imposing auspices and almost contemporaneous exposition of it, with a member of his Cabinet so pre-eminently distinguished for the part he took in its construction, ought to have secured the embargo law from the charge of unconstitutionality. How will the gentleman feel when arrayed against that WASHINGTON who was the idol of his country? Will the object of the party—*Delenda est Carthago*—secure him from the just reproaches of an enlightened and patriotic people?

But the gentleman tells us the former embargo nearly ruined the people of the East, without producing any effect on Great Britain, and the present embargo will finish the business. What! has the gentleman forgot the pressure it made on the people of England, the insurrection which their

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distress produced, and their clamors against their Ministers for coercing us to it? Has he forgot the pressure on the British American colonies, and the very memorable proclamation of the King of Great Britain inviting our people treasonably to feed their enemies, and to come to Halifax without ships' papers, with provisions for that purpose? We have lately heard General Hull denounced for inviting the people of Canada to violate their allegiance. If, in time of war, this is such a crime in an American General, what in time of peace must have been the crime of a British King? Will any man say that the embargo law, if it had been faithfully executed, and had been continued even six months longer, would not have had the desired effect, after seeing that it produced an insurrection among the people of England, and induced their King to descend from his throne to practise the meanest arts of seduction to draw the American people from their allegiance by bribery and corruption?

That the present embargo law will bear hard on the Eastern States there can be no doubt; but if there had been, it would have been removed on the evidence we have that seventeen thousand barrels of flour arrived in Halifax in one day from the Eastern States; when we know, too, that all the ports from Georgia to New York, inclusive, are blockaded, and the Eastern ports left open, no doubt to facilitate the supplies to the British, as well as by that indulgence to seduce the people of the East from their allegiance by making it so much their interest. But I hope that that once highminded people, who so distinguished themselves in the war of the Revolution, and bore with such magnanimity the extraordinary pressure of that war, will now bear with temper the pressure of this war, common to all their sister States.

Sir, in the prosecution of this war, to remunerate us for the spoiliations on our commerce, almost swept from the ocean by a jealous rival of our commercial greatness, without the color of law, and on the principles they themselves have abandoned, Canada was to be invaded; and although some of our ardent spirits considered it an easy conquest, yet it will be recollected that some of the Opposition declared we never should conquer it, it was so invaluable that Britain would never give it up; while others, to avoid our attempting it, declared it good for nothing; and now we are charged with want of energy and military talents in not taking it, although it is well known that every effort has been made by the Opposition to discourage the recruiting service and to set the people against the war—and that with union its conquest would have been easy;—as the honorable gentleman from New Hampshire (Mr. WEBSTER) has just told us that the four New England States would take it in one month with or without arms. But so inveterate are they against the Administration, and so systematic is their opposition, that whether their measures are for war or peace, they alike meet their reprobation. And even the mediation of

the Emperor of Russia, the very Emperor whose victories they have been celebrating, cannot escape their denunciations; his Minister near the United States is charged with misrepresentations, and so deadly is their hatred to the Administration, that they would defeat its endeavors even for an honorable peace, lest its popularity should be thereby promoted, and their darling avowed object defeated.

The gentleman from New York (Mr. MILLER) has told us, "that the war was unjust, unnecessary, and inexpedient;" and yet has told us that two of the causes—the Orders in Council and blockades—are removed, and that the subject of impressment alone remains for adjustment. And yet the gentleman perseveres in declaring the war unjust, after Great Britain has herself revoked her Orders in Council and blockades as unjust. But would he consider a war unjust to regain thousands of American seamen impressed and enslaved, when Britain herself disclaims that right, though she imperiously and insultingly exercises it; and, to seal her degradation, after the war, converts them into prisoners of war, whom she previously pretended she had impressed as her own subjects? The gentleman further tells us, that the President is not qualified to carry on the war, although he admits that the Secretary of War possesses great military talents; and the brilliancy of our naval victories, which are unrivalled in the annals of history, has secured the Secretary of the Navy from an attack from that quarter. And I would ask, if it was ever expected that the President should in person command either the Army or Navy? and whether, if he was, his incompetency would be removed by producing mutiny in the crew? Would WASHINGTON have called this an unjust or an unnecessary war, who in 1792 informed the British Cabinet that the practice of impressment must be discontinued, or that a war would be inevitable? or would he have waited twenty years, and until 6,257 American seamen had been impressed and enslaved, and our commerce swept from the ocean? I will not insult his memory by a conjecture! The gentleman from Virginia (Mr. SHEFFEX) tells us, he will vote for this bill if the force shall be limited to defensive operations. Would the gentleman stretch our force along our frontier of upwards of a thousand miles, and leave the enemy to attack us, thus weakened, where he pleased? In that case, what would be the lot of Norfolk? She could expect but her proportion of the force. I am glad to find the gentleman mending, though slowly. Had his logical mind examined the premises of the five thousand bill of last session, destined exclusively for defence, or the other military bills of that session; and had he reflected that the British were then in possession of the Michigan Territory; upon his present principles he could not have voted against them. My respect for him will always make me appreciate his conversion.

The gentleman from New Jersey (Mr. STOCKTON) is opposed to this bill; first, because he

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says the troops cannot be raised, from an aversion to the war. He further tells us we have given up "free trade and sailors' rights, and he was glad of it." That, after war was declared, Mr. Russell made a proposition for an arrangement and an armistice, which Lord Castlereagh rejected with disdain. That the same proposition was made to Admiral Warren, and rejected by him. And that now our Government "had struck their colors," by appointing Commissioners to meet at Gottenburg, to treat under a proposition of the Prince Regent "upon the principles of the law of nations, and the maritime rights of Great Britain." Sir, did the Government compromise its character by sending Envoys at the instance of the Prince Regent to make a peace; and can it be a surrender of free trade or sailors' rights to settle our differences upon the principles of the law of nations and the maritime rights of Great Britain? Have we ever wished our commercial relations to be regulated but by the law of nations, and has not Great Britain constantly disclaimed the right of impressing American seamen, and have we not by our own act agreed not to receive British sailors on board our ships? How then the mission can be denounced as giving up free trade and sailors' rights, or as striking our flag, I know not; but if it was, I should be astonished at the gentleman's joy at his country's humiliation. He tells us these bills are not intended for their avowed object, but for the Ministers to take out in their pockets, to aid them in their negotiation; and would he, if he wished for an honorable peace, and conceived they would produce that effect, I ask, would he oppose them? However inconsistent it may seem, after telling us this bill will not produce the measure, he now guards us against its passage—"that the bounty will be snapped at, and the public subjected to this immense expense." It is not uncommon for the party to act inconsistent with one another; but I am not a little surprised at this gentleman's inconsistencies with himself.

The gentleman from New York (Mr. SHIPHERD) is opposed to the bill, because he says it would be *murder* in this unjust war to kill an Englishman—a violation of one of the commandments. Have not they murdered even innocent women and children? and does not the same law declare it just to take blood for blood? I would ask him if stealing is not also contrary to the law of God? and whether they have not stolen and enslaved our seamen, as well as our ships and cargoes? and whether that same law does not enjoin not only the restoration of the stolen goods but fourfold? and whether they have not refused to give up the stolen goods? And can they be pardoned and still retain the offence?

The gentleman from New York (Mr. GROSVENOR) claims the right of opposing the measures of the Government. I admit his right to oppose the passage of the laws; but I protest against his right to oppose or prevent their execution; as in opposing the loans, the recruiting

service, or the progress of the war. And he quotes the conduct of Chatham, Burke, and Fox, who opposed the British Government at the time of the American Revolution. If he will candidly examine the conduct of those gentlemen, the time, and circumstances, he will find that will not support him. When they advocated the cause of America, we were the colonies of the British Empire, humbly petitioning for a redress of grievances, to which these men conceived we were justly entitled; as while our object was limited to their redress, they were our advocates; but as soon as independence was declared, what was their conduct, and how was the scene reversed? Did not the once admired Chatham, the great American advocate, while a redress of our grievances was the object, after the Declaration of Independence, and in his last speech in Parliament, exhaust himself in his denunciations against us, as rebellious colonies, and for a vigorous prosecution of the war against us, until we were humbled at the foot of the Throne? I hope, therefore, this gentleman will not take these Englishmen for his archetype. But I would advise him to seek some American patriot for his model, and recollect the doctrines of that day that tried men's souls, that he who was not for us was against us and a Tory, and that these doctrines were consecrated by the Revolution; and that he will recollect that we are now engaged in a war for securing the principles of that independence for which our WASHINGTON fought and conquered.

When Mr. WRIGHT had concluded, after a few remarks from Mr. GRUNDY in favor of putting a stop to the present debate, and Mr. RHEA against it, and Mr. TROUP intimating that the public service would suffer from further delay, the Committee rose, and were refused leave to sit again.

The amendments made in Committee were again moved, and were agreed to; and the question was then stated on the engrossment of the amendments, and passage of the bill to a third reading.

After the rejection of two motions to adjourn, and some unimportant conversation as to the propriety of urging the passage of the bill, the question on its passing to a third reading was decided in the affirmative.

FRIDAY, January 21.

On motion of Mr. RHEA, of Tennessee,

Resolved, That the Committee of Commerce and Manufactures may be instructed to inquire into the expediency of establishing an hospital at some convenient place in the Choctaw nation, and at or near the road from Natchez to Nashville, for the accommodation of persons who, having descended the Mississippi river in boats, or vessels of any description, to New Orleans or Natchez, may have contracted sickness, and thereby rendered unable to return to their respective places of residence; and that they report by bill or otherwise.

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On motion of Mr. SEYBERT, Mr. LOWNDES was appointed on the joint committee of the two Houses, to have the application of the moneys appropriated for the Library of Congress, in the place of Mr. CHEVES, elected Speaker.

The bill from the Senate, "Authorizing the President of the United States to grant certain permissions to the inhabitants of the Island of Nantucket," was read twice, and committed to the Committee on Foreign Relations.

ENCOURAGEMENT OF ENLISTMENTS.

The bill which passed this House for filling the ranks and encouraging the enlistments into the Army of the United States, was returned from the Senate with sundry amendments, the object of which were, in the first place, to vary the mode of the distribution of the bounty, retaining the same amount, so as to give only twenty five dollars on enlistment and a like sum on mustering, instead of fifty in each case, as proposed by the bill that passed this House; and in the next place, to vary the provision granting eight dollars to every person procuring a recruit.

On the question of concurring in the amendments, considerable debate took place, principally of a desultory nature, in which Messrs. THOUR, LOWNDES, GHOLSON, JACKSON of Virginia, GRUNDY, RHEA, EPPES, KILBOURN, WILSON of Pennsylvania, and NELSON, took part.

The question having been taken on the first amendment of the Senate, by yeas and nays, was decided in the negative—For the amendment 54, against it 94, as follows:

YEAS—Messrs. Bard, Baylies of Massachusetts, Bigelow, Bradbury, Breckenridge, Brigham, Caperton, Champion, Cilley, Cooper, Cox, Culpeper, Davis of Massachusetts, Dewey, Ely, Hale, Hufty, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Law, Lewis, Lovett, Macon, Miller, Moffitt, Moseley, Oakley, Pearson, Pitkin, Post, Potter, John Reed, William Reed, Richardson, Schureman, Ridgely, Sheffield, Shipherd, Smith of New York, Stanford, Stockton, Stuart, Sturges, Taggart, Tallmadge, Thompson, Vose, Ward of Massachusetts, White, Wilcox, Wilson of Massachusetts, and Winter.

NAYS—Messrs. Alexander, Alston, Anderson, Archer, Avery, Barnett, Beall, Bowen, Brown, Burwell, Butler, Caldwell, Calhoun, Chappel, Clark, Clopton, Comstock, Condict, Conard, Crawford, Creighton, Crouch, Davis of Pennsylvania, Dawson, Denoyelles, Desha, Earle, Eppes, Evans, Farrow, Findley, Fisk of New York, Forney, Forsyth, Franklin, Gholson, Glasgow, Gourdin, Griffin, Grundy, Hall, Harris, Hawes, Hubbard, Humphreys, Ingersoll, Ingham, Irwin, Jackson of Virginia, Johnson of Virginia, Kennedy, Kerr, Ker-shaw, Kilbourn, King of North Carolina, Lefserts, Lowndes, Lyle, McCoy, McKee, McLean, Montgomery, Moore, Murfree, Nelson, Newton, Ormsby, Parker, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ringgold, Roane, Roberts, Robertson, Sage, Sevier, Seybert, Skinner, Tannhill, Taylor, Telfair, Troup, Udree, Ward of New Jersey, Whitehill, Wilson of Pennsylvania, Wood, Wright, and Yancey.

So the House resolved that it would not concur in this amendment.

The question on the other amendment was also decided in the negative.

RIGHT OF EXPATRIATION.

Mr. ROBERTSON rose to offer a resolution to the House. He said it had always struck him as singular that there was nothing in the Constitution or the law which points out the manner in which one of the most important rights belonging to man in his social character is to be exercised. He meant the right of expatriation. Some provision on this subject had become important from circumstances which have lately occurred, and the more so, because of the doctrines affecting it which have recently been broached in the nation, and which, but a few years ago, would have been scouted by all parties. Whether the right was denied or admitted, it was important that the question should be settled. As far as the subject has been before the people of the United States, the opinions have been various and contradictory; as far as the subject has been before the courts, they have decided that the right of expatriation does not exist, and a decision more contrary to the spirit of the Constitution never was given in any court of the United States. He alluded to the familiar case of Isaac Williams, decided before Judge Ellsworth, of Connecticut. The disposition of the Legislature, as far as manifested by its acts, was favorable to the right of expatriation. It was time that some definite decision should take place in relation to it. In draughting the resolution, he had gone upon the ground that the right of expatriation was clear, natural, and inalienable, and required no legal provision to fortify it, otherwise than by prescribing the manner in which it shall be exercised. He admitted that the Constitution of the United States did not directly give this right; neither did it give a thousand other rights which we exercise in society. It did not, in terms, give the right to move beyond the horizon which bounds our view; but no man doubts the right. The Constitution, however, does impliedly give the right of expatriation. It gives a right to the citizens of other countries to come into the United States and be naturalized; a right which cannot be given or admitted by any community that denies the right of expatriation. Mr. R. said he did not wish this important question to rest merely on inference. He wished that every citizen might have it in his power to turn to the statute books of the country, and show explicitly, when he thinks proper to expatriate, that he had availed himself of the right in the manner prescribed by law.

It need not excite any alarm, that our citizens will too freely avail themselves of the privilege. The best way of keeping our citizens at home is to make them free and happy. Odious must be the Government or laws which make a man willing to leave his country. But when, if ever, his country deprives him of his rights, of everything desirable to man, let us not make that country his prison, but give him the power of legally removing himself from beneath its con-

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trol. With these observations, Mr. R. submitted the following resolution :

Resolved, That a committee be appointed to inquire into the expediency of providing by law for the exercise of the right of expatriation, and that they have leave to report by bill, or otherwise.

Mr. OAKLEY, of New York, made some remarks which were not very distinctly heard by the reporter. He said, however, that the resolution embraced a question at any time interesting, and particularly so at this time. How far the right of expatriation ought to be extended was a question of great importance. When it was considered, also, that a negotiation was pending with a foreign Power, in which this principle was involved; and, when it was considered that the Government might find it necessary to make concessions on this point, and to restrict naturalization, it became important to approach the question with much circumspection. It was a well known fact, not only from the decision which the gentleman had quoted, but from other circumstances of public notoriety, that there was a difference of opinion whether the right of expatriation does exist. Not only in a general point of view, but from the particular circumstances in which the United States are placed, this question was very important. The adoption of a resolution of this kind, to appoint a committee of inquiry into the expediency of providing by law the mode of expatriation, might, perhaps, be considered as establishing the principle of the right, which ought not thus hastily to be settled. He moved that the resolution lie on the table.

Mr. GRUNDY, of Tennessee, said, he had endeavored to get the floor to make a similar motion to that made by the gentleman from New York. However clear the right, however willing he might be to go with the mover, he said the time appeared to him not to be well selected for agitating this subject. It involved questions of great delicacy as to foreign nations, and might it not be forestalling, in part, the very arrangements which may be made by treaty on this subject? Mr. G. wished this resolution to lie on the table; and, unless his mind should change, he should not vote to take it up again during the session. Whether or not it should be adopted, was certainly a matter requiring much caution and deliberation.

Mr. ROBERTSON said, the adoption of the resolution by no means compromised the House to any principle whatever. The gentlemen who had spoken appeared to him to have misunderstood the effect of the resolution, when they appeared to be alarmed lest the passage of the resolution should have some bearing on Great Britain or other foreign nation. Mr. R. said he could not conceive how our connexions with foreign nations interfered with our municipal regulations. How could our decision, in relation to permitting our own citizens to leave the country, affect the question in controversy between us and Britain? Such a regulation could be no more complained of by the Powers of Europe than our Constitution, which secures the equal rights of man, and many other rights entirely contrary to the prin-

ciples of those Governments; and they would have no more reason to interfere with the one than with the other. If the proposition were for the first time agitated to naturalize British subjects, it might be improper now to settle it; but it was no such question, but merely this: whether our citizens, leaving the country, should be enabled to show that they expatriated themselves according to law.

Mr. FISK, of Vermont, said, he had heard with some little surprise the reasons assigned for laying this resolution on the table, and the quarter from which they proceeded surprised him more than the doctrine itself—that the resolution ought not to pass, lest it should interfere with our negotiations with Great Britain. We were told the other day, said he, that we, or the Government, had struck our flag. But is it come to this, that we are afraid to inquire into our own municipal regulations lest we offend our enemy? Under such circumstances as this, can it be expected that our enemy will be very yielding in negotiation? Will not a refusal to agree to this resolution be acknowledging, in language too plain, that we are about to give up this point? Will it not be saying we are ready to yield them whatever they ask—in other words, their maritime rights? The question now before the House is merely, that we should inquire into the propriety of giving to man as much liberty as the God of Heaven gave him at his birth, and does not for a moment depend on the feeling of any foreign nation. If we mean to be independent, we must be so in whole and not in part; we should maintain our rights unceasingly. Shall we now hesitate whether we shall inquire into this subject, lest it should affect the negotiations with an enemy whom we are determined to fight forever unless she yields? We had better say at once, that the Representative branch of the Government has become so timid that it dare not inquire into our municipal rights for fear the enemy should not like it. He would not fear for a moment hold out such an idea.

Mr. CULPFFER, of North Carolina, said, this was a subject of importance, and well worthy of consideration. He was of opinion, however our municipal regulations might interfere with those of other nations, it was the duty of this Government to do its own business in its own way, and therefore he was opposed to the resolution's being laid over.

Mr. OAKLEY professed that he did not regard the effect of this measure on foreign nations, but how it might affect our own interests; how far the adoption of such a measure might throw embarrassment in the way of our own Government. Administration might think proper to stipulate that it would not naturalize certain descriptions of British subjects, and to make other stipulations of a reciprocal nature with which this provision might interfere, &c. Mr. O. coincided in the general idea that this question ought to be settled; but it was now a question of expediency whether, pending negotiations, it was proper to make any provision on this subject. For his part, he thought the question ought to be put at rest for the present.

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Mr. CALHOUN, of South Carolina, said he hoped the resolution would be ordered to lie on the table. It seemed to be acknowledged that its adoption might have a tendency to embarrass negotiation. He was not certain how far that idea might be correct; but if by possibility it could have that tendency, its adoption was surely not advisable. Mr. C. wished for time to reflect on this subject, and he did not see why that time should not be granted. It was a question of great delicacy under every aspect, and one which they could not decide affirmatively or negatively without embarrassment. A state of war did not appear to him the best time for agitating such a subject, at least it ought not to be hastily disposed of.

Mr. MACON, of North Carolina, expressed his surprise at the nature of the objections which had been urged to this resolution. Could any regulations be made by treaty, he asked, declaring that the people of this country should not go where they pleased? It was impossible to imagine that that right could come in question in any negotiation with foreign Powers. If this subject was one of difficulty, as was contended, he believed the sooner it was looked to the better. But, notwithstanding this belief, the only reason for departing from this general rule to vote for any motion to lie on the table, on the request of any member, was the declaration of a gentleman, that he meant by that motion to put the question at rest for the session.

Mr. JACKSON, of Virginia said, he had really been surprised to hear gentlemen allege that the adoption of a resolution, or passage of a law on this subject, would have any possible effect on any pending negotiation. If, for the first time, the question was proposed to establish the right of naturalization, of which expatriation is the necessary correlative, then the expediency of agitating the question at this moment might be doubted. But the Constitution had expressly declared that Congress should possess the power of naturalization; and would they now controvert the principle established in the Constitution, by denying to our own citizens the right to expatriate? If foreign nations desire to inquire into the disposition of the Government in this respect, let them look into our charter; they will find the principle of naturalization ingrafted there. This idea of expatriation was by no means novel, Mr. J. said, in the State to which he belonged—where there was an act of expatriation of which persons might avail themselves. He could see no objection to this proposition at this time. Indeed, if this war continued, of which all hoped to see an honorable termination, it was indispensable, with a view to that state of things, that some provision should be made on the subject of expatriation. A citizen going into Canada and returning, and thus committing treason, alleges, on detection, that he has expatriated; and if tried as a spy of the enemy, alleges that he is an American citizen. Some regulation was necessary to prevent this collusion, and, whether peace or war prevailed, it was proper that the question should be settled definitively in some way.

Mr. CALHOUN took advantage of the latter argument of Mr. JACKSON to prove the present inexpediency of making such a provision as was proposed, of which any ill-disposed citizen might take advantage to commit treason, and escape with impunity, by claiming to have expatriated, merely because he had passed over the lines. When up before, he had adverted to the general impression, that this subject was connected with our negotiation with Great Britain. And he could mention to the gentleman how it was connected. Congress had passed a law commonly called the Seamen's bill, one of the provisions of which was, that on a reciprocal engagement of any foreign Power, neither nation should employ any seamen of the other. Now, if the right of expatriation be so perfectly inherent, it is so in every mode. Not only has the citizen a right to depart from this country, but to enter into any other service, notwithstanding any law which you may make. He did not certainly know that the contradiction did actually exist between this law and the measure he alluded to; but the doubt was sufficient to induce hesitation. Believing, as he did, that this proposition had an important and critical bearing, both as regards the rights of the citizen and as respects pending negotiations, he hoped it would be laid on the table, to afford time for reflection.

Mr. ROBERTSON again spoke in defence of his motion, which he denied could have any effect, either to screen traitors, or affect or impede negotiations, or to come in collision with the Seamen's bill. He urged its adoption, as putting to rest a question now in suspense, whose very important and doubtful nature (which has been urged for reasons of delay) were cogent reasons why it should be decided without unnecessary procrastination. Any reasonable delay for consideration he should not oppose, because it was not necessary the question should be decided to-day or to-morrow, this week or next week; but he feared, if he were to consent to postponement, he should not get the consent of gentlemen to take it up again at this session.

Mr. RHEA, of Tennessee, observed that all that had been said of this motion affecting negotiation, &c., ought to have no effect. To refuse the passage of this resolution on the grounds on which it had been opposed, was to contest that principle of the Constitution by which Congress are authorized to make laws relative to naturalization; for it was a known truth that naturalization and expatriation belonged to the same subject; because there can be no naturalization without previous expatriation. The arguments against this motion apply as strongly to the Constitutional provision on this head, which was just as likely as this motion to impede negotiation. Mr. R. said he had known nothing of the design to bring forward this motion; but, having been brought before the House, he considered it his duty, under the solemn obligations of the Constitution, to vote against any evasion of it, as was proposed.

Mr. FARROW, of South Carolina, said, laying

the motion on the table would not affect a future decision on it. The subject never having before occurred to his mind, were he now to give a vote on it, it must be at hazard. As it was advisable to commune further together before they decided on it, he was therefore in favor of laying it on the table.

Mr. WARD, of Massachusetts, said he was as ready as any gentleman in the House to investigate this subject, and, if the right exists, to make the necessary regulations; but, if voting to lay the resolution on the table implied an acknowledgment of the principle therein assumed, he should not vote for it. The gentleman had laid down the right of expatriation as inalienable, and had at the same time informed the House that a person named Isaac Williams, notwithstanding he had taken the oath of allegiance to another Power and received the character of a foreign citizen had been punished, as a citizen of the United States, with fine and imprisonment. If such had been the administration of justice by a high tribunal, it was strong evidence to him that the law was against the position the gentleman had assumed; because the proper guide on points of law, where there was no *lex scripta*, was the decision of judicial tribunals. The gentleman from Virginia had instanced the law of that State giving this right. If there was a law giving this right there, it was strong evidence that there was no such right before the law passed; and, certainly, if the right was inherent, as contended, no law of Congress was necessary to give it. Mr. W. said he should have no objection to vote for a resolution which should bring the whole question before the House; but he could not vote for a resolution which assumed the existence of the right of expatriation.

The question on laying the resolution on the table, was decided in the affirmative.

EXTENSION OF ENLISTMENTS.

The engrossed bill authorizing the enlistment of certain regiments for five years, or during the war, was read a third time.

Mr. POTTER said, he thought the war inexpedient, and voted against it, and should vote against this bill, to raise more men to carry it on. That he had been in hopes the question would have been taken without debate, at least on the side of the minority. That although he was opposed to this bill, yet he thought it much more equitable to raise soldiers, as was now contemplated, by enlisting and giving a large bounty to induce them to enlist voluntarily, and make the rich pay the money, than to adopt the conscriptive system proposed, as he understood, by the Secretary at War, by classing the whole body of militia into as many classes as there were soldiers wanting, and to make every class furnish one during the war, or to have one draughted from each of them; which would be the means of compelling the young and very poor men, to do all the duty and bear the burdens of the war, while the rich, and those who are excused from doing duty in the militia, would be excused.

He said, he should have taken no part in this debate, but to exonerate himself from some charges of inconsistency, made by the gentleman from Kentucky, (Mr. McKEN,) who said the minority had opposed and defeated all the measures of the Administration. That an embargo was laid in 1807, as a precautionary measure, and that it was raised by opposition. Not so, Mr. P. said, the caution was not necessary; as the commerce of the country was never more prosperous than at that time, as the result demonstrated; as, out of five hundred and ninety-four vessels that sailed by permission during that embargo, nearly all of them returned in safety to this country with valuable cargoes, and the risk was hardly a common sea risk; and as it respected the repeal of the embargo, it was repealed by those that laid it, not in consequence of opposition, but in consequence of its reaction upon the people of this country, the nakedness of the Treasury, and the indisposition to direct the internal taxes, knowing the effect they had once before upon the people of this country; and he said he believed the present embargo would be defeated by its friends, and for the same causes.

The gentleman has said, that a bill introduced into this House sometime since by a gentleman from North Carolina, (Mr. MACON,) calculated to give this country an advantageous commerce, was defeated by the minority; not so, Mr. P. said, many of the minority voted for it.

The gentleman from Kentucky likewise said, that the minority voted for a much larger army than the President wanted, and then refused to vote the means to pay them; in this the gentleman is mistaken, as only two or three voted to raise this army; and they said that it had become absolutely necessary for the purposes of defence. As it respected himself, Mr. P. said, he did not vote for a man, or a ship, or cent, nor should he, to carry on this war. As it respected the Navy, he said, from the respect he had for the officers with whom he was acquainted, when governed by his feelings, he felt friendly towards it on their account; but as soon as his reason and judgment reassumed its dominion over him, he was against it for reasons assigned by him on a former occasion. Mr. P. said, it would be found by experience, that this nation was illy suited to the purposes of any other than a defensive war—its territory was extensive, and its population very much scattered over it. That the Government had not energy to compel the citizens of this country to serve in their fleets and armies against their wills, and for little or nothing as in many other countries, (and he hoped they never would have;) and the people were too well off to enlist for any sum within the means of the nation to pay; for as long as a young man, for a few years' labor with a farmer, (and who lives as well as the man that employs him,) can get money sufficient to buy himself land, and become an independent farmer, he will no longer let himself out to hire, or consent to be a mere machine, without any will of his own, and sell himself to be whipped and shot for nothing. Mr. P. said, he

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was not only against this war, considering it inexpedient, but he was against providing any Administration with fleets, and armies, and money, to be ready for war at any time. That he had found mankind much the same; give them power and they abuse it, money and they spend it, and want more; and give almost any Administration an army, navy, and money, and they will have this country in war—more especially if a war is to have the operation contended for at this time, to prevent all opposition to those in power, and to preclude all inquiry into their conduct that should have led to the war, or the manner in which it was conducted.

Mr. P. said, if a stranger should come into that Hall, unacquainted with the Constitution of this country, he would suppose, from the confession of the majority, that the minority governed, as they are charged with raising the embargo, with preventing laws from being passed, with preventing Great Britain from doing us justice, and preventing our Administration from chastising of them;—that the minority made the war, have prevented enlistments and loans, have divided the country, have prevented the conquest of Canada, and are the means of continuing the war;—a very strong minority indeed to have more power at home, and more influence abroad, than the constituted authorities of the nation!

Mr. P. said, it was not only the right but the duty of the majority to govern—they ought to be true to themselves and just to the nation—to lay down their course and pursue it, as became the Representatives of a free people, without turning to the right or left, as on them rests all the responsibility. They have the voluntary aid of their own friends, and the Constitutional control of the whole. They have the command of the sword and purse-strings of the nation; and if they have not ability to devise a system of measures, stability to persevere in, and energy sufficient to execute them, they ought not to find fault with the minority. Mr. P. said it was honorable in any man, in favor of the present Administration, and who thought this war not only expedient, but for the interest and honor of the country, to loan his money, and render his personal service in its support; while it is the duty of the minority to submit to the laws made agreeably to the Constitution. The majority have no right to expect from them anything more than a Constitutional support to the war, by paying whatever may be required of them in common with others, as they believe this war inexpedient, and destructive to the best interests of the country.

Mr. P. said, the Administration never had been obstructed or impeded by opposition. It had been by their own divisions and jealousies, as well in the Cabinet as in the Senate and House of Representatives, and by defalcations of many large States, who had promised much and done very little. That the minority never had made an unreasonable opposition, nor would it be in their power, if they were so disposed, as the majority can pass any law they please, and whenever they please. Mr. P. said, if the President of the Uni-

ted States, with his means of information, could not have selected from his political and personal friends four gentleman having the same general and political interest with himself that could agree with him in his measures—and the war party in the Senate and House of Representatives would not agree with each other, advocating the same interest—how could they expect the minority to agree with them? They have no right to expect a thing so unreasonable. Mr. P. asked, what had become of the Cabinet he saw a few years since? Where were the late Secretaries of State, War, and the Navy? And from whence came Turreau's letter, but from their own divisions? And he said the present Cabinet seemed to him to be made of discordant materials, and if the public should hear something from some of them, at some future day, he should not be surprised. Mr. P. said, it was convenient for the majority to lay all the misfortunes and distresses of the country, occasioned by their own divisions, jealousies, defalcations, and misconduct, to the minority; but it was unjust in the extreme—they did not deserve it—they had not deceived them—they had promised them nothing. But it is now said, that the nation was in war, and that the minority ought not to find fault, but to join in prosecuting it. This, to be sure, is an excellent doctrine for those in power. How would this reasoning have sounded in the ears of the minority, in the year 1798, when they were opposing all the measures of Administration, on account of loans, taxes, armies, and war? The Opposition did not then believe that as soon as war should be made that their mouths were to be shut, and that they must then act against their wills and better judgment, and support the Administration; and believe that to be right, then, that they knew in their own consciences to be wrong before. This principle, once admitted, puts an end to all opposition; and when the party in power, by their mismanagement, shall have forfeited the confidence of the people, they will have nothing to do in future but to declare war against any nation with or without cause, and perpetuate themselves in power.

Mr. P. said it had been said by the gentleman from Pennsylvania, (Mr. INGERSOLL,) that opposition in this country was different from that in England—that there it was against the King and Ministry, but here it was against the people. Mr. P. said he would ask if the opposition in this country, in the years 1798, 1799, and 1800, against the then Administration for loans, taxes, and war, was for or against the people? And if for the people, then, how much more must it be in their favor now, in opposing the same measures in a much greater degree. That Administration had not the benefit of experience, and did not understand financiering as well as the present. They created an eight per cent. stock, and, as he had understood, sold it above par. The present creates a six per cent. stock, and sell it under par, getting about eighty-eight dollars for an hundred—making the interest about the same, losing in principal what they save in interest. At that

time an individual in good credit had frequently to give twelve per centum per annum for money. At the present, such a person can hire money for less than half that premium. At that time we had an army of about 5,000 men, and hired about \$5,000,000. At this time we are to have an army of 70,000 men, and contemplate borrowing \$30,000,000 for this year. If, therefore, the opposition to the Administration in 1798 was in favor of the people, most assuredly this must be.

But some say that as war is now declared by the constituted authorities, that whatever may have been the opinion of the minority as to the expediency of the war, that they ought to cease their opposition, and join to carry it on. Nothing more frequent and cheap than advice, and it generally passed, when unasked, for what it was worth. But, Mr. P. asked, what they expected from them, or what they would have them to do more than they did? The majority would not take their advice. They had as much of their money as they wanted, and their support to the laws. They did not want them for officers; they could do no more for them, unless they should enlist as soldiers, and they were mostly so old, and many so large, an army of soldiers in wagons, as well as officers, would not only be very expensive, but would make a ludicrous appearance.

Mr. P. said the minority was not wanted to aid in making pledges of life, fortune, and sacred honor; this Administration had already suffered by having too much of these commodities on hand; they would not make soldiers of them; nor was it a currency to pay them; it was anything, everything, and nothing. The minority were not wanted to help to make laws; the majority can do that whenever they please; and when they make laws they ought to enforce them, and whenever they cease to enforce them, or suffer any violation or breaches in them, it is an acknowledgment in them that they never ought to have been passed, and they ought to be immediately repealed.

As it respected opposition, Mr. P. said, he hoped always to see one, let who would be in power. He considered them the sentinels and friends of the people, and he never wished to see a majority of more than ten in that House, and then six honest men might save the nation. He said, in proportion to the strength of the majority, he believed the liberties of the people in danger, and he thought they had more to fear from a few violent men, in a majority, who condemn and proscribe the moderate men of their own party, than from an Opposition. When the majority is large, if a few moderate, well-disposed men, who have independence to judge for themselves, and whose integrity has placed them above the reach of their party feelings, and who, from principle, will not go all lengths with the most violent of the party, are proscribed by the party here, and denounced at home, and more violent men sent in their room; from such a course of conduct the people have much to fear. But if the majority is small, from the influence of a few good men, the nation has much to hope.

Mr. P. said, as it respected the war, it was not occasioned by opposition; it was brought about by newspapers, by public excitement, by high party men, in and out of that House; by many who expected appointments, and who were now enjoying them; by resolves of public meetings, and resolutions of democratic Legislatures, pledging their lives, fortunes, and sacred honor, to the Administration, to aid in prosecuting the war; those were the measures that had brought this country into its present situation. And if the Administration should now be compelled to make a dishonorable peace, they will not be driven to it by opposition, but by their pretended friends, who have done much to get them into their present difficulties, and will do very little to help them out of them.

Mr. P. said, that it had been said in that House that this war was growing more popular every day, and that the elections in New York and other places are evidences of that fact. This was one of those States from which the Administration had much to expect; he had understood that the Governor of that State had received from the United States upwards of six hundred thousand dollars, which he presumed he must have received as Paymaster General of the Militia of that State—as he could not have received it for any other purpose—an officer not known in the law. The law, he believed, knew no other than a Paymaster General, and district paymasters, who were obliged to give bond for the faithful discharge of their duty. He said he should be very glad to know for what purpose this sum of money was advanced to that State, and why it was put into the hands of the Governor, and in what capacity he received it? Was it for the conquest of Canada by the militia of that State? If so, Mr. P. had not heard of one of them crossing the line the last campaign. Was it for the protection and defence of the extensive and defenceless frontier of that State? If so, let the inhabitants of those villages, who have fled for safety, by the light of the fire of their own dwellings, testify with what fidelity it had been expended. Mr. P. said he had not heard of this Captain General, and Paymaster General of the Militia of the State of New York, very near the lines, either for the purpose of invasion or protection. Mr. P. said he had understood that the President of the United States had required from the State of New York, the last campaign, fifteen hundred men; that the Governor, in order to be certain of that number, ordered out five thousand. What number of those he got to the lines is uncertain; but, Mr. P. said, he had understood that not one could be got to cross into Canada; their patriotism did not carry them beyond the lines of their own country. He presumed those were some of the men who approve of the conduct of the Administration, and are willing to support the war by voting, when it costs neither blood nor money.

Mr. P. said, as those voting patriots had but little to apprehend this Winter, and as it is necessary to show their willingness to render their

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usual support to the Administration, they have already begun to send in their usual contributions of approbation, of empty pledges and promises in support of the Administration, to aid them in prosecuting the war; and, as the citizens of the great State of New York are not willing to be less patriotic than those of other States, a part of her citizens have begun, by an address laid on the table a few days since, approving of the war and embargo, as he understood it, and requesting the Administration to raise, or accept of the services of forty thousand volunteers, which they say would insure the conquest of Canada without fighting. A very humane project, indeed! But those men are not to be holden to march to conquest, if that number should not be complete; thirty-nine thousand nine hundred and ninety-nine would not answer. Mr. P. said he had his doubts whether such humane, benevolent men, who expected to drive a brave people from their firesides and families, and to conquer a country without fighting, would stand the shock of the sound of the bugle-horn any better than some others had on a former occasion; at least he apprehended they would have some Constitutional scruples in crossing the line.

Mr. P. said, as there had been much speculation as to the time and expense of conquering Canada; and as there was no better way to judge of what was to come than by what had passed, perhaps some of the friends of the Governor of the State of New York would now solve the question. He would therefore ask, if for six hundred thousand dollars he could not get one man to cross into Canada the last campaign, how much money will it cost, and how long time will it take to conquer the country?

Mr. P. asked why money had not been advanced to the Governor of Virginia to pay their militia, as well as to the Governor of New York? They certainly had done much, and the State had been at great expense. It could not be that the State of Virginia were so loyal that they did not want their pay; and it could not be possible that this large sum should have been advanced to the Governor of New York, because they were not as much so. But the greatest Personage that ever was upon earth, said he did not come to call the righteous, but sinners to repentance.

It had been said by a gentleman from Pennsylvania, (Mr. INGERSOLL,) that a very great portion of the people of that State was in favor of the Administration, and in support of the war; and that the majority in that State, in favor of the war, would more than overbalance the majorities in all the States opposed to it; and that that State was great at a dead lift, meaning, as Mr. P. supposed, at voting. He said he would be glad to be informed, with such a large disposable force, how many militia they had sent across the lines to conquer Canada. He said he believed not one. He believed they would make a better fight at an election than in the field, and would be a suitable force for some of our Generals to command who had been recommended to office more for their skill at the polls than their dexterity in the field,

and more because they wanted office, and lived in large States, than because they were fit for them. But as great as this State may be thought at a dead lift, they have, as well as New York, proved to lie a dead weight on the Administration, and have hung like a millstone about their necks; and although much fault had been found with the Administration about the prosecution of the war, for his part, with such help as they had, he felt more to pity than to find fault with them.

Mr. P. said, he was at all times willing to do justice to those States whose conduct in the war had corresponded with their professions in making it; and he thought the State of Kentucky had exceeded the most sanguine expectations of the Administration; and Mr. P. said, he believed they had lost more men, and had undergone more hardships, sufferings, and fatigue, without the limits of their own State, than all the States in favor of the war besides, and, in this respect, had done themselves honor.

As it respected the conquest of Canada, Mr. P. said his constituents did not want it; and they could not be made to understand how the invasion of Canada protected their rights on the water, more especially as they were made to abandon all their usual pursuits on the water, and the whole seacoast was left unprotected while this invasion was going on. They do not want it. If Great Britain would give it to us without fighting, it would cost us more than it is worth. Mr. P. said that we already had a territory so extensive, with such diversity of soil and climate, the manners and habits of our population so different, that the cords of the present Constitution were hardly sufficiently strong to bind us together. He said, as he wished most sincerely the union and integrity of the States to be preserved, he did not wish additional territory. Besides, said he, it now answered a valuable purpose to the Eastern States; although there were many respectable and valuable inhabitants in Canada, yet it answered the same purpose to the Eastern States as Botany Bay did to Great Britain. The only difference was that, in England, they were sent away after conviction, and, in this country, they ran away to avoid it; and, for his part, he said, he was willing to dispense with the services of such men as Burroughs, Bidwell, and Gannett, in future.

Mr. P. said, if the object of this war was the conquest of Canada, the Administration ought to have come out openly and honestly, and avowed it, as the gentleman from Vermont (Mr. FISK) wished them to do when war was declared, and have pledged themselves to the Canadians that they would not lay down their arms until it was effected, and that they should not be delivered up on a future peace. The Canadians would then have had something to depend upon; but now many have been seduced from their allegiance, and have been delivered up immediately, to the ruin of themselves and families, while others have quit their estates, and, with their families, have come to this country for protection and sup-

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port, and must be thrown as paupers upon this nation.

Mr. P. said, he was now in hopes that this kind of artificial excitement, by addresses, resolutions, and pledges, that had done much mischief under a former Administration, under pretence of convincing foreign nations that we were not a divided people, and which he said had been made great use of for the same purpose lately under the present, had done no service abroad, and much mischief at home, as it had a great influence in producing the present state of things in this country, and he said he hoped if it ever had an improper influence, that it would no longer prevent the Administration from seizing the first opportunity to make peace; and he said he believed that peace was the present object of the President of the United States. That he had found out that good voting would answer at elections; that pledges of life, fortune, and honor, would answer pending negotiation, but in a war that must be carried on by old-fashioned fighting they must have men and money. One great reason, which induced him to believe we should have peace, was, that all the causes which it was ever contemplated going to war for were now removed. They were only two, as he had understood—the attack upon the Chesapeake and the Orders in Council. The first was an insult of such a nature, that there was but one opinion; a general burst of indignation and resentment pervaded all parties in the United States, and such was the popular feeling at the time, that the President thought it prudent to refuse the terms of accommodation offered by the British Minister, Mr. Rose, which were afterwards offered and accepted, and the business settled. The Orders in Council, at the time war was declared, was the principal cause of the war, and they were removed about the time of its commencement; and when that fact was made known to this Government, by Admiral Warren, and a negotiation proposed, it was then refused by the Administration. Perhaps popular feeling, by artificial excitement, would not at that time have acquiesced in it; but, after that had subsided, about the same offer by the British Minister is now accepted.

Mr. P. said, we were continuing the war when the causes were removed; the war was now continued for the right the English claim to search our ships for their own men, and the frequent abuse of that right by taking ours. This has, under every Administration, been a subject of negotiation and controversy; but he believed no one ever contemplated going to war for that only; and, as an evidence of that fact, Mr. P. said he believed that that subject was not mentioned in the arrangement made with the British Minister, Mr. Erskine, nor was it mentioned in a letter from Mr. Monroe to Mr. Adams, our Minister in Russia, dated July 1st, 1812, only fifteen days after the declaration of war. The Orders in Council, and them only, were assigned as the cause of the war, as will be seen by the following extract of that letter:

“DEPARTMENT OF STATE, *July 1, 1812.*”

“SIR: On the 18th ultimo a declaration of war against Great Britain passed Congress; of which, of the President's Message, and report of the Committee of Foreign Relations of the House of Representatives leading to it, I have the honor to transmit to you copies.”

“You are too well acquainted with the causes which produced this result to require any explanation of them. As it appeared that Great Britain would not revoke her Orders in Council, on the just grounds on which it was claimed, but enlarged the conditions on which she professed her willingness to revoke them, there remained no honorable course for the United States to pursue short of war. On full consideration of all circumstances, this measure was adopted, and the Government is resolved to pursue it, till its objects are accomplished, with the utmost decision and activity in its power.”

Mr. P. said, when he reflected on the objects for which the war was now continued, and the blood and treasure it cost the nation, it caused him many unpleasant sensations. He said when he saw that the expenses of this and the last year would, in all probability, be upwards of ninety millions of dollars, and that the State he represented would have to pay upwards of one million of it, with their proportion of the previous debt of the United States, with the present State debt, contracted in the last war, together with the expense of supporting the State government by direct taxes, he could but view his constituents as in a very deplorable situation. But it has been said by a gentleman from Pennsylvania, (Mr. INGERSOLL,) that this would be a blessed war, notwithstanding all our sufferings and sacrifices, if it answered no other purpose than to fix a permanent system of direct and internal taxes on the people. Mr. P. said, he was at a loss to know why it was necessary to have war, to fix this system upon the people, unless war was expected to furnish an army to do things that could not be done without. Mr. P. said, for himself and his constituents, he protested against being blessed with such a system of taxes.

Mr. P. concluded by saying, that whatever may have been his opinion of the war, and the manner in which it had been carried on, that he should support the constituted authorities of the nation, and render a Constitutional support to the war, by submitting to the laws, and paying his taxes, and he should so advise his constituents, and wait with impatience for better times.

Mr. WHEATON.—Mr. Speaker: Although a majority of this House thought fit to decline considering a resolution introduced a few days ago by an honorable gentleman from North Carolina, (Mr. GASTON,) affording a more appropriate ground on which the great subjects of war and peace might receive a free and candid discussion, yet I think the minority may acknowledge some obligation to the majority in permitting such an extensive range as has been gone into by gentlemen on both sides, in debating the question of the passage of this bill; and that obligation I shall feel with peculiar sensibility, if indulged but for

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a few moments, in making some remarks upon it myself, knowing, as I do, that they have assumed the power, whenever they shall have the will, by the application of the previous question, to strike this whole assembly in an instant dumb.

Sir, I am opposed to the passage of this bill, because its professed object, and no doubt its real object, is to give support and continuance to the war in which the Government of this country is at present so unfortunately engaged. In the justice of this war, at its commencement, I never boasted any very strong faith; of its expediency I always doubted, and now further to progress in it, I think would be not only impolitic, but wicked.

I do not pretend that the people of this country had sustained no injuries from the contending nations of Europe. From Great Britain we had suffered some, and from France infinitely more. Great Britain had captured some of our property; France had added insult to her robberies; France therefore should have been included in our declaration of war, if it had been proper for us to go to war with either. In commencing war against Great Britain at the time that we did, we were, in my opinion, unjust to ourselves, and faithless to our engagements. While professing to be impartial, in this we did an act of great partiality; for, after passing a number of years in bitter but fruitless complaints against the Governments of both those nations, Congress did, on the 1st day of May, 1810, pass a law, a law which after times and circumstances have proved to have been most unwise and impolitic, whereby we did, impliedly at least, engage that if neither of them should rescind or repeal their obnoxious orders or decrees, we would do no more than complain, or, if we did, that our resentment should be turned equally against both; but that if one of them should rescind, we would allow the other three months to deliberate on the expediency of rescinding also, before we would put ourselves in an attitude of resistance against the one that should refuse or neglect so to do. This was done to try the sincerity of each of those Governments, who had each professed that their orders and decrees were merely retaliatory upon the other, and that they should cease on one side, whenever they should be revoked on the other. Of this law France took the advantage, and, operating on the credulity of our Administration, induced them to take promises for realities, and thus inveigled them into a war with Great Britain. Great Britain had not the three months, as allowed her by that law, in which to repeal her orders. For it will not now be pretended that the French decrees were revoked, in fact, until April, 1811, nor until, by passing the non-importation act, we had manifested a disposition of determined hostility towards Great Britain, in consequence of which the French revoking decree was professedly issued; nor was that revoking decree made known to Great Britain nor even to our Minister in France until within about a month of our declaration of war; and the British Orders in Council were repealed very soon after information of that act of the French Government was received. The con-

clusion therefore, is, that we did not act with good faith in making the declaration of war at the time it was declared, and consequently it was unjust. That the declaration of war, at the time it was made, was highly inexpedient, a consideration of the state of things in our own country and in the world, at that period, and a number of years immediately preceding it, must force conviction upon every reasonable mind. Out of the wars in Europe grew all the mischiefs of which we complained. France issued her decrees to destroy or obstruct the commerce of Great Britain, and Great Britain issued her Orders in Council to weaken or retard the war operations of France; and thus, while both those nations were trying which could do the other the most harm, they both did harm to us; but this harm to us, as it grew out of, so it must have terminated with their wars. And, in the meantime, from those very wars, so unprofitable to them, we were reaping advantages vastly more than sufficient to balance all the evils and inconveniences we suffered from them. The commerce of this country, after deducting all the losses occasionally sustained by British or French captures, was producing an aggregate of profit far beyond what we had ever enjoyed before, and beyond what we could expect to enjoy when the state of things of which we so much complained should be changed. Was it then wise in us to bring curses upon ourselves when in the lap of blessing; to abandon at once such a state of "successful experiment," because we had not obtained an entire exemption from the evils inseparable from the present state of man, and plunge ourselves into a destructive war that must necessarily destroy much positive good that we actually enjoyed, and at the same time increase for the present, without affording any prospect of ever diminishing, those very evils? How much better would it have been for us, while all Europe were in arms, to have preserved a course of impartial neutrality, as recommended by the great Washington, and not have become a party to their wars? Thus we should have continued to have thrived upon their calamities; should soon have been able to discharge our national debt, and still have our treasury full, and our country in universal prosperity; and then we should be able suitably to resent a denial of our just claims by any nation upon the globe. But, instead of pursuing this wise and prudent course of policy, as if tired of prosperity, we shackled and restrained our very profitable commerce by acts of embargo and non-intercourse, until our public funds were exhausted, and many of our citizens reduced from affluence to poverty; and then rushed precipitately into a war against one of the most powerful nations in the world without previous preparation, and which now cannot be carried on without intolerable taxation upon the people. Indeed, its ill success hitherto but too well shows how unadvisedly it was begun; and now to continue it, would not only be bringing misery upon ourselves, but showing that it is a misery that we deserve. For the ostensible cause for which it was commenced has long since ceased;

and shall we progress in a war merely to gratify our thirst for conquest, and with a miserable prospect of success too, and thus cause thousands more of our innocent but deluded people, to fall unpitied victims at ambition's shrine? Surely such folly can only be accounted for upon the principle, that Heaven infatuates whom it determines to destroy. Were I to afford any aid or comfort to the declared enemy of the country, I should be guilty of treason to an earthly Republic, fast approaching, as I fear, to its dissolution; and were I voluntarily to afford any aid or comfort to this war, thinking as I do upon the subject, I should be morally guilty of treason to the throne and monarchy of Heaven. The minority in this House, together with those who neglect to use their personal influence to give encouragement and popularity to the war, or that have refused to lend their money to carry it on, have been on this floor denounced as moral traitors. But, I apprehend there has been a mistake in the application of the crime of "moral treason." It may be committed by acting in conformity with, as well as against the laws of the Government. It is indeed a crime unknown to human laws, but well defined in that law written by the finger of Heaven on the heart of every man, and sanctioned by severer penalties than racks or gibbets can inflict. History, both sacred and profane, has furnished sad instances of moral treason, as well as some noble examples of resisting every temptation to that odious offence. Socrates, when reduced to the dreadful alternative of renouncing his doctrine of immortality, as required by a law of his country, or receive a draught of the hemlock, had been guilty of moral treason had he preferred the former to the latter. The Christian martyrs had been moral traitors, if they had sacrificed their consciences to the decrees of violent and wicked men.

Judas, indeed, was a moral traitor, though a faithful friend to the Administration; conscience was the court in which he was tried; there his sentence was filed; thence issued the warrant for his execution, and he went out and hung himself. Felix (I mean the Roman Governor) was a moral traitor. All that had a hand in the crucifixion of the Saviour of mankind, were moral traitors. It was said they had a law, and that by that law he ought to die, though obliged to confess that they could find no fault in him. I hope, therefore, that the charity of the honorable gentleman who introduced the subject of moral treason, convinced, like his namesake of old, that there is no fault in us, will lead him to impute our opposition to his war measures to a conscientious belief that they are now mere projects of ambition—offensive to Heaven, and destructive to the best interests of the people of this country.

It is easy to obey laws, when made in conformity with our wishes, and not difficult to profess obedience when they are not exactly so made. But when, by the operation of those laws, any portion of the people find themselves oppressed, they at least have a right to complain. I regret, exceedingly, to have heard such discriminations

made respecting the temper and disposition of the people in the different sections of the Union. In some, they have been highly commended for their loyalty; in others, denounced as factious. In Massachusetts, where the first tree of liberty that this country ever bore was planted; where the true spirit of freedom first began to operate, and first rocked the cradle of our infant fame, they are said to be a disobedient and gainsaying people; because, being greatly oppressed by the measures of the General Government, they dare to express their uneasiness. Those that have deeply wounded them, now think it hard to hear them groan. I have heard, with no small degree of indignation I confess, even their Legislature, for presenting a respectful memorial, stating their grievances, vainly threatened, by a gentleman on this floor, with a criminal prosecution. And on this floor, I have, with little less satisfaction, heard a gentleman from Pennsylvania warmly commending the universal loyalty of the people of that State. The people of Massachusetts never yet appeared in actual rebellion against the laws and authority of the United States. The people of Pennsylvania have; and the putting down that rebellion is said to have cost more than a million of dollars—a large portion of which the now despised people of Massachusetts have had to pay; and, had it not been for the clemency of the General Government of that day, (then Federal,) those concerned in that rebellion, instead of wriggling themselves into wealth, and claiming posts of honor, as did the crooked serpent the forbidden tree, would have had their carcasses called for to mend the soil. But, if this gentlemen from Pennsylvania be too young to have been acquainted with this scene of things in that State, I should imagine he might have recollected a more recent instance, when an armed force was turned out, even in the capital in which he resides, under the authority and by the express order of the Governor of the State, to oppose the execution of lawful process issuing from one of the courts of the United States. But, having said thus much, I am now willing the gentleman should enjoy every possible degree of satisfaction, from the consideration of his own loyalty and the loyalty of the people of his State.

I will now proceed to say a few words respecting the success of the war hitherto, and the little probability of attaining any valuable object by it, if longer continued. Its past success is a subject on which its advocates seem not to be very well agreed. One honorable gentleman from Maryland, some days ago, gave it as his opinion that a great part of Upper Canada, at least, was already conquered and in the possession of our arms; others, disappointed in their predictions at the commencement, seem to think that much more might have been done than has been done, had there been no incompetency or mismanagement on the part of those that have conducted it. This is a subject, to be sure, on which I cannot pretend to much knowledge. But, if reliance is to be placed on the correctness of Executive communications, it might be believed that as much has

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been accomplished as any reasonable man ought to have expected. The President, in his Message to Congress of November, 1812, after stating what progress had been made in the war from its commencement to that time, mentions the capture of General Hull and his army, and the surrender of the whole Michigan Territory, as but a partial calamity; and that even that calamity had been converted into a source of invigorated effort, so that it had become more necessary to limit than to excite the patriotic zeal of the people in the contest. And, in his Message at the opening of the present session, after recounting the various successes of our arms, he seems to impute the failure of the accomplishment of the most sanguine wishes and expectations, not to the want of men, valor, or skill, nor indeed to the want of any human exertions, but to adverse weather, of unusual violence and continuance. Why, then, should we provide for raising more men, or giving such extraordinary encouragement to enlistments, not asked for nor recommended by the Executive authority? The honorable gentleman, chairman of the Military Committee, when introducing the bill, to which this is an auxiliary, gave it as his opinion that, with the blessings of Heaven, it would furnish the means of taking Canada, and realize all the wishes of the advocates of the war. Indeed it might; but here is the rub. It is very much to be doubted that that blessing will attend it, and without it, it may not effect the object at all; and, if it will not effect it all, it would be unreasonable to adopt it. That Being that directs the storm may again bring on adverse weather, at the moment of expected success, and thus render unavailing all our efforts; and, do what you may, you will not take Canada.

Some, indeed, seem to imagine, that assuming a mighty armor and attitude will further our views to peace. But when our Commissioners shall carry this bill to Gottenburg, and then show the British Envoys, that may be appointed to meet them for the purpose of negotiating a peace, that we cannot procure a single man to enlist for the war, without giving one hundred and thirty-two dollars bounty, and more than double the wages the British ever had occasion to give, in their most distressing days, will it terrify them? A reply need not be made. Amidst their triumphant victories over their European enemy, they have offered us peace. Let us, then, receive the olive branch, abandon our war preparation, and once more be willing to become a prosperous and happy people.

When Mr. W. had concluded, a motion was made by Mr. OAKLEY to adjourn, and negatived, 72 to 53.

Mr. ROBERTS then required the previous question. A sufficient number joining him in the requisition, the previous question was taken, and decided as follows: For the previous question, 79; against it, 34.

The main question was then put on the passage of the bill, and decided as follows:

YEAS—Messrs. Alexander, Alston, Anderson, Archer, Bard, Barnett, Beall, Bowen, Bradley, Brown,

Butler, Caldwell, Calhoun, Chappell, Clopton, Comstock, Conard, Condict, Crawford, Creighton, Crouch, Davis of Pennsylvania, Denoyelles, Desha, Earle, Eppes, Evans, Farrow, Findley, Fisk of Vermont, Fisk of New York, Forney, Forsyth, Franklin, Gholson, Gourdin, Griffin, Grundy, Hall, Harris, Hasbrouck, Hawes, Hubbard, Humphreys, Ingham, Jackson of Virginia, Johnson of Virginia, Kennedy, Kent of Maryland, Kerr, Kershaw, Kilbourn, King of North Carolina, Lefferts, Lowndes, Lyle, Macon, McCoy, McKee, Montgomery, Moore, Murfree, Nelson, Newton, Ormsby, Parker, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ridgely, Ringgold, Roane, Roberts, Sage, Sevier, Seybert, Skinner, Tannehill, Taylor, Telfair, Troup, Udree, Ward of New Jersey, Whitehill, Wilson of Pennsylvania, Wright, and Yancey—90.

NAYS—Messrs. Baylies of Massachusetts, Bigelow, Brigham, Champion, Ely, Hale, Hufty, Mosley, Pearson, John Reed, Taggart, Ward of Massachusetts, White, Wilson of Massachusetts, and Winter—15.

SATURDAY, January 22.

Another member, to wit: from New York, WILLIAM IRVING, elected to supply the vacancy occasioned by the resignation of Egbert Benson, appeared, was qualified, and took his seat.

Mr. NEWTON, from the Committee of Commerce and Manufactures, reported the bill from the Senate "for the relief of Isaac Clason," with amendments; which were read, and, together with the bill, committed to a Committee of the Whole on Tuesday next.

The amendments of this House to the Senate's bill for extending the enlistments of certain regiments, were returned from the Senate, disagreed to, and the House, on motion of Mr. TROUP, receded from its amendments.

Another message was received from the Senate, informing the House that they insist on their amendments (yesterday disagreed to by this House) to the bill to provide for filling the ranks of the Army and encouraging enlistments, and that they request a conference thereon with this body, and have appointed managers of said conference in behalf of the Senate.

On motion of Mr. TROUP, the House insisted on its disagreement to said amendments, and directed the appointment of managers on its part of said conference.

THE ATTORNEY GENERAL.

Mr. INGERSOLL, from the Committee on the Judiciary, reported the following bill:

A bill establishing the permanent residence of the Attorney General of the United States at the seat of Government.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, from and after the date of this act, it shall be the duty of the Attorney General of the United States to reside permanently at the seat of the General Government: Provided, nevertheless, That a reasonable time be allowed for the present Attorney General to make his arrangements for such permanent residence at the City of Washington, in the District of Columbia.

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SEC. 2. *And be it further enacted*, That, instead of the salary now directed to be paid to the Attorney General, the sum of — dollars shall be paid quarterly to that officer, at the Treasury of the United States.

SEC. 3. *And be it further enacted*, That it shall be the duty of the Attorney General to make reports, in writing, and give written opinions, on all points of a legal nature referred to him by the President or Congress of the United States.

The bill was twice read, and committed.

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Mr. GRUNDY, of Tennessee, from the Committee of Foreign Relations, reported, without amendment, the bill from the Senate authorizing the President of the United States to grant certain privileges to the inhabitants of the island of Nantucket. Mr. G. moved that the bill have a third reading.

Mr. KING, of Massachusetts, said he was in favor of this bill, as he should be in favor of everything tending to relieve any portion of the people from the pressure of the embargo. But he wished to propose an amendment to it. If necessity was to be allowed as a plea for relieving one portion, it ought to be for another; and there were many places suffering under the operation of the act which had cut off the coasting trade. He moved to amend the bill so as to extend its provisions also to any other island or place, in the United States or Territories, which shall be similarly situated with Nantucket.

Mr. GRUNDY opposed the amendment. If there were other places requiring the interposition of Congress, he hoped separate applications would be made in their behalf. The people of Nantucket had made out a case entitling them to relief; but of the situation of other places, we have no information on which we can act. If the object of the House was to preserve the embargo, they ought to be very cautious in adopting any measure which might defeat that object. The provision of this bill had been demonstrated to the Committee to be necessary, and recommended by a letter from the Acting Secretary of the Treasury, which he read. He hoped, therefore, the gentleman would not persist in an amendment, the adoption of which would defeat the bill.

Mr. FARROW opposed the amendment because it would go to repeal the coasting trade. He was in favor of the embargo's being so enforced as to chain the ships to the wharves. The embargo he knew operated severely on our citizens, but it would operate more so on the enemy. It was similar to a parent's giving his child medicine which was disagreeable at first, but would operate beneficially in the end.

Mr. KING observed, in reply, that they did not complain of wholesome medicines being administered by skilful physicians, but of nostrums being administered by quacks and empirics.—The gentleman had said that the ink of the embargo law was scarcely dry when they were about to make an alteration in it. He believed the ink of that day would never be dry. It

would be always moistened with the tears of the suffering people of the United States. It was stated by the gentleman from Tennessee (Mr. GRUNDY) that unless they passed the bill the people of Nantucket would starve; he believed it; but there were a number of his constituents in a similar situation. If starving our own citizens would operate on the enemy, gentlemen would be abundantly gratified, but the enemy had other places to go for provisions, whereas our citizens could not go from one port to another. If he thought the amendment would defeat the bill he would not have offered it, as he was in favor of it. But the amendment only went to extend the discretionary power proposed to be vested in the President by the bill. He had supposed that the friends of the President would have been in favor of it, as it always had been a favorite object with them. The amendment went to put the issues of life and death into the hands of the President, and how he would decide, no man who had ever seen him could doubt.

The amendment was lost.

Mr. BRADBURY then moved to amend the bill by inserting at the end of it the following words: "And also to any inhabitant or inhabitants of the District of Maine, or the islands belonging thereto, on application as aforesaid, similar permission, under similar restrictions, to import in vessels aforesaid, from any port or place in the United States, any articles of provision necessary for the subsistence of such inhabitants."

Mr. GRUNDY opposed the amendment. He stated that when the bill laying the embargo was reported by the Committee on Foreign Relations there was a section in it similar to the amendment now proposed, but that it had been struck out, and it was done so by the gentlemen of the minority voting for striking it out. If, then, there were sufferings, he charged it to them.

Mr. RICHARDSON said that if the embargo was to be considered as a medicine, which we must take in order to starve Great Britain, he supposed we must adopt a course of abstinence in order to let it have its effect. That appeared to be the opinion of the gentleman from South Carolina. (Mr. FARROW.) It appeared already that our own citizens were in a state of starvation. And if cries of misery and distress from our own citizens would be any proof of the operation of the embargo on the enemy, the gentleman and the House would soon be gratified with histories of starvation and ruin. The amendment went to lessen the evils of the embargo; and he was in favor of it, although he felt little anxiety on the subject of its passage. He did not believe in the efficacy of the medicine we had taken, and had no faith in taking poison, and hope thereby to injure the enemy. But he believed that the more rigidly the embargo was enforced, the less time it would be endured by the people, and its repeal would be sooner. It certainly was a system more abominable and detestable than ever had been adopted; and if suffered to exist long, the people will never

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try the experiment again. He was, however, not insensible to distress, and should listen to the cries of misery and ruin, let it come from what quarter it would, and he should therefore vote for the amendment.

Mr. WILSON, of Massachusetts, said, that as the Chairman of the Committee on Foreign Relations had wished a statement made of any cases which might be similar to the one from Nantucket, he would make a statement which was not a feigned issue, but was real. In the district from which he came, there were several islands similarly situated with that of Nantucket. The persons inhabiting these islands could no more subsist without a connexion with the mainland than the members of the House could subsist if they were confined within the walls of the House.

Mr. BIGELOW said he was in favor of the amendment, and also of the bill. He believed that there were other islands similar to that of Nantucket. Notwithstanding he had always been opposed to the embargo, and all the restrictive measures which had been adopted, and the good people of Nantucket in their favor; still, when they were distressed by those measures he was ready to grant them relief. He hoped soon to see the whole restrictive system done away. After engaging with the Emperor of France in his attempt to starve Great Britain, and he now being unable to afford us assistance any longer, he hoped we should abandon our attempt, which would have no effect but that of starving our own citizens, and adopt a more rational course of proceeding than we had done lately, and that before the end of the present session the embargo would be repealed.

The question was then taken by yeas and nays, and the amendment lost—yeas 58, nays 94.

A message having been received from the Senate, on motion of Mr. GRUNDY, the bill was ordered to lie on the table, but afterwards resumed, on motion of the same gentleman.

Further discussion ensued, and the previous question was again unsuccessfully required.

The bill was then ordered to a third reading. When—

Mr. JOHN REED spoke as follows: Mr. Speaker, I rise for the purpose of stating to this House the reasons which will induce me to vote in favor of the bill now under discussion. I frankly acknowledge it is not such as I could wish. I could wish that every section of these United States might be independent of the will of the President for the necessaries of life. I would immediately repeal, at least, so much of the embargo as affects our coasting trade, and destroys the internal commerce between different parts of the same State. But a majority of this House think otherwise. I despair of obtaining what I most anxiously wish—I despair of obtaining any other relief for the inhabitants generally, or of Nantucket, at present, except that which is proffered by this bill. Their situation is such as most imperiously demands the interposition of this House. Although in some situations it might seem degrading and

derogatory to freemen, to accept of the relief proposed to be afforded, yet in the case now presented, no choice is left. They must surrender at discretion—they must accept of the terms offered—they must consent to eat their own bread by weight, and drink their water by measure.

As the reasons which influence me to support this bill are founded, principally, on the peculiar situation of the inhabitants of Nantucket; with the permission of this House, I will endeavor in a few words to describe their situation.

The island of Nantucket is situated on the southeasterly part of Massachusetts, is fifteen miles long and three miles wide, and is thirty miles distant from the main. This island is sterile and barren, it affords no wood, and but a very small portion of the necessaries of life. It contains about seven thousand inhabitants. They have for a long period been principally engaged in the whale fishery. By their uncommon industry, skill, and economy, they have been enabled to prosecute the business with success. This town and the town of New Bedford, are the only towns in these United States much engaged in the business. They are the only towns, either in this country or Europe, which could prosecute the whale fishery, to any considerable extent, without the aid and support of Government. These towns, so far from receiving bounties, or any aid from our Government, have contributed very liberally for its support.

When the present inexpedient and ruinous war was unexpectedly declared, the inhabitants of Nantucket were prosecuting their accustomed employment in the Pacific Ocean. Since that period about twenty of their whale ships have been captured by the enemy. Their loss cannot be estimated at a less sum than one million of dollars. Permit me to say this is no inconsiderable sum, when we take into our consideration by whom, the manner in which, and from whence it has been derived. It has been procured by the inhabitants of Nantucket, by the harpoon, their only weapon of war, either offensive or defensive, from the Pacific Ocean. It has been procured by successful grapples with the monsters of the deep.

The remainder of their ships are liable to be captured. They are wholly destitute of employment, ships of war can sail around the island. They are wholly unprotected, and are at all times liable to fall an easy prey into the hands of the enemy. In this distressed situation, it was thought expedient to petition Congress for some relief. Their petition has been presented. What must their astonishment be, when, instead of receiving the relief they fondly anticipated, they were informed of the Embargo law? I imagine they exclaimed—This, this is the unkindest cut of all!

The bill now before the House, delegates power to the President, when in his opinion the public interest does not forbid, to permit the inhabitants of Nantucket, on application, under such restrictions as he may deem proper, to employ vessels or boats for the purpose of carrying fuel, and provisions, and necessaries, from the main, &c. Some gentlemen seem to consider this a

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very extraordinary bill—it certainly is. It becomes necessary from the very extraordinary situation in which the inhabitants of Nantucket have been placed by a law—I mean the embargo—which passed this House a few days or rather nights since. By that law, all communication between Nantucket and the main has been also lately precluded. The law is well known. Permit me to read a letter from William Jones, acting Secretary of the Treasury, on the subject. [Here Mr. REED read Mr. Jones's letter, stating "that the construction under the embargo, given to the water between Nantucket and the main land, is neither bay, river, nor sound. The island of Nantucket is considered as in the open ocean, and that a vessel going from any part of the main land to that island, must necessarily go to sea," &c.] Thus it appears that all connexion between the island of Nantucket and the main is at an end. As I am informed, they have not a sufficiency of the necessaries of life, and fuel, to last during the Winter season. Will you deprive them of fuel and the necessaries of life? Will you starve them? I trust not.

Nantucket may possibly be considered by some so inconsiderable as not to deserve the attention of this House. Permit me to state, it is a compact town, a city of the second grade in point of size in the United States; it contains about seven thousand inhabitants. I may be told, as an honorable Speaker, now an honorable Ambassador, a few days since told this House, "that if by the extreme pressure of the embargo law, the inhabitants of particular sections of the country could not procure the necessaries of life, they must remove to a more fruitful part of the country." We ought to remember, by our embargo law, we have denied the inhabitants of Nantucket this dernier resort.

The island of Nantucket was considered of sufficient importance to attract the attention of the British Parliament, in the year 1775. I will read a short extract from history, which I consider pertinent:

"In the year 1775, a bill was proposed in the British Parliament, restraining the four provinces of New England from commerce with Great Britain, Ireland, or the British West India islands, and prohibiting them from carrying on the fishery at Newfoundland. It was particularly urged against the bill, that bad consequences must result to Nantucket; this, say they, is a barren island, lying off the coast of New England, about fifteen miles long and three broad, containing six thousand inhabitants, almost all Quakers. The natural produce of the island, it was alleged, could not maintain twenty families; but the industry of the inhabitants was such, that they kept one hundred and thirty vessels constantly employed in the whale fishery, which they carried on in the North Seas, to the coast of Africa and Brazil, and even as far as the Falkland islands, and the shores of Terra Magellanica; these people, it was said, ought, undoubtedly, to have been exempted from the common calamity, were it only for the applause due to so much industry and resolution.

"The instance of Nantucket was so strong, that Administration, with all their obstinacy, were obliged to

relax a little, and, of their own accord, afforded them the relief they had such just reason to expect.

"This bill was debated with great animosity in the House of Peers, and produced a remarkable protest, in which the measures of Government were spoken of with great severity.

"That Government, said they, which attempts to preserve its authority, by destroying the trade of its subjects, and by involving the innocent and guilty in common ruin, if it acts from a choice of such means, it confesses itself unworthy; if from inability, to find any other, it admits itself wholly incompetent to the end of its institution."—*Encyclopedia*, vol. 3, p. 673.

I forbear to make any comments on the above extract. It speaks a language which cannot be misunderstood. I would only ask, is it possible that the Government of Great Britain, in the year 1775, being three thousand miles distant, had so much respect for the right, and regard for the happiness of the inhabitants of Nantucket, then a colony, as to relax restrictions which, compared with the embargo, are light and trivial; and shall we refuse to grant the small relief tendered by this bill, so absolutely necessary to the same Nantucket—a part of the United States? I hope not.

It does seem to me that fixing our eyes on great and distant objects, I mean Canada and the British navy, and looking steadfastly for a long time, we lose sight of the intermediate space—we lose sight of the liberty, privileges, and interests of our own country. We have adopted an embargo—a restrictive system—which deprives a large and respectable portion of the citizens of these United States of their future prospects, of their property, of their daily bread. It deprives them of those rights and privileges which they have always considered guaranteed by the Constitution.

I am influenced by another consideration, which I feel it my duty to state to this House. I received a few days since a letter from an honorable merchant in the town of New Bedford, stating that more than thirty citizens of Nantucket were then at New Bedford. They had been absent from their families and friends more than two years. They had escaped the perils of their most dangerous employment; they had escaped capture by the enemy; they had escaped shipwreck, but were caught in the toils of our own laws. Yes, these citizens, by our laws, are absolutely precluded from visiting their distressed and disconsolate families. These things ought not so to be. I have always considered our liberty and security, as a people, in a great measure, to consist in the equality of our laws; that the same laws which controlled one class of citizens controlled others also; that we had no nobility and no exemption. Suppose the present session of Congress should continue six months from its commencement—suppose at the expiration of that period we should find a law in existence, which would prevent us from visiting our families and friends, should we not repeal it? Yes, in my opinion it would be repealed with the same precipitancy that the embargo law passed. Shall we deny the inhabitants of Nantucket those inestimable rights and privileges we would so readily take ourselves?

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In every view, which I have been able to consider the subject, I am fully persuaded some relief ought to be afforded. I consider the inhabitants of Nantucket, as I would consider a friend, cast into prison without a crime, destitute of the necessities of life. I would consent in such a situation that he should be fed through the grates, but my feeble exertion should not be wanting to effect his liberation.

Mr. WEBSTER said, he should vote against the bill, because he believed Congress had no power to interdict the coasting trade in the manner it had been done; and he considered that part of the Embargo law as unconstitutional and void. He found nothing in the Constitution, either express or implied, which gave Congress the power they had exercised, and he never would consent to pass any law giving to our citizens a privilege which they enjoyed under the Constitution, and of which they could not be rightfully divested.

Mr. PORTER also spoke against the bill. He was against granting exclusive privileges to any part of the community.

Mr. BAYLIES should vote in favor of the bill, but with reluctance, because he was opposed to partial laws. The people of the District of Maine were as much entitled to relief as the people of Nantucket. He was inclined to believe, with the gentleman from New Hampshire, that the part of the Embargo law which interdicted the coasting trade was unconstitutional; but the law was in operation, and the people of Nantucket might starve before it could be repealed.

Mr. WILSON, of Massachusetts, moved to amend the bill by inserting, after the word "Nantucket," the names of several other islands, which he declared to be in a similar condition with the island of Nantucket.

Mr. GRUNDY opposed this amendment, and called the previous question, but was not supported in his call by a majority of the House.

Mr. PERKIN supported the amendment. He thought the representation of the gentleman from Massachusetts, in his place, was entitled to at least as much weight as that of the agent of the people of Nantucket. The situation of the country was truly astonishing. Under a power to regulate commerce, Congress had passed a law to starve a number of its own citizens. That this was the fact, it was only necessary to refer to the statement of the Chairman of the Committee on Foreign Relations, who had declared the people of Nantucket to be in a starving condition, and who had just called the previous question, in order to prevent any amendment to the bill, or any delay in its passage. In reply to the observations of Mr. GRUNDY, that the minority had voted in favor of striking out the seventh section of the Embargo law, as originally reported, Mr. P. declared that he had voted for striking it out. He did it on the principle, that it vested in the President the power to regulate the whole coasting trade; a power which he never would consent to vest in any President.

Mr. TALLMADGE declared that he should vote for the amendment, and if it passed he should

vote for the bill; but if rejected he should vote against the bill, as he could see no reason why the people of Nantucket should receive privileges refused to others similarly situated.

Mr. SHEFFEY was also in favor of the amendment. He could see no reason for any distinction. The House had received a statement from an honorable member in his place, and they were bound to believe it correct. He said that was a proud day for those who had opposed the Embargo law, as now, within a month after its passage, the chairman of the committee who reported the bill, had declared that seven thousand persons were about to be starved by it, and such was the hurry of the gentleman to prevent them from starving, that he had called the previous question, to prevent any amendment or debate. Mr. S. said he had voted for striking out the seventh section of the Embargo law for two reasons; the one was that he did not wish to give such a power to the President, and the other was, that if they determined to have an Embargo, it might be so rigid as to nauseate and sicken the people, thereby preventing them from ever having another; that the name of the Embargo hereafter might sound like the name of poison.

Mr. ROBERTS called the previous question, but the demand was not supported by a majority of the House.

Messrs. FINDLEY, ALEXANDER, and JACKSON of Virginia, opposed the amendment.

Mr. JACKSON, of Virginia, called the previous question, but was not supported by a majority of the House.

The question was then taken on agreeing to the amendment, which was lost.

Mr. WILSON, of Massachusetts, moved to recommit the bill to the Committee on Foreign Relations.—Lost.

The question was then taken on the passage of the bill, and determined in the affirmative—yeas 105, nays 7, as follows:

YEAS—Messrs. Alexander, Alston, Anderson, Archer, Avery, Bard, Bigelow, Bowen, Bradbury, Bradley, Breckenridge, Brigham, Brown, Burwell, Butler, Caperton, Caldwell, Calhoun, Champion, Chappell, Clopton, Comstock, Condict, Conard, Cooper, Cox, Crawford, Creighton, Crouch, Culpeper, Davis of Pa., Denoyelles, Desha, Dewey, Eppes, Findley, Fisk of New York, Forney, Franklin, Gaston, Gholson, Glasgow, Gourdin, Grundy, Hale, Hall, Harris, Hasbrouck, Hawes, Hufty, Humphreys, Ingham, Irwin, Jackson of Rhode Island, Jackson of Virginia, Johnson of Virginia, Kennedy, Kent of New York, Kerr, Kershaw, Kilbourn, King of Massachusetts, King of North Carolina, Lefferts, Lyle, Markell, McCoy, Miller, Moore, Moseley, Murfree, Newton, Oakley, Parker, Pearson, Pickens, Piper, Pleasants, John Reed, William Reed, Rea of Pennsylvania, Rhca of Tennessee, Rich, Ridgely, Ringgold, Roane, Roberts, Ruggles, Sevier, Sheffey, Sherwood, Stanford, Strong, Sturges, Taylor, Telfair, Udree, Ward of N. Jersey, White, Whitehill, Wilson of Massachusetts, Wilson of Pennsylvania, Winter, Wright, and Yancey—105.

NAYS—Messrs. Cilley, Dawson, Law, Lewis, Ormsby, Post, Potter, and Webster—8.

And the House adjourned.

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MONDAY, January 24.

Two other members, to wit: from New York, SAMUEL M. HOPKINS and NATHANIEL W. HOWELL, appeared and took their seats.

ISAAC WILLIAMS, JR., also appeared, was qualified, and took his seat, as one of the Representatives from the State of New York, in the place of J. M. Bowers, who has been declared not entitled to a seat.

Mr. JENNINGS presented a petition of the Legislature of the Indiana Territory, that the judges in said Territory, appointed by the authority of the United States, may be instructed to submit to and perform certain judicial services required of them by the said Legislature.—Referred to the Committee on the Judiciary.

Mr. EPPES, from the Committee of Ways and Means, reported a bill for the relief of Henry Fanning; which was read twice, and committed to a Committee of the Whole.

BLUE LIGHTS.

Mr. LAW observed that there was a subject which for some time past had caused much speculation, and excited some irritation. It has appeared in a variety of shapes, and given rise to many observations. It has been the theme of public prints. It has been solemnly introduced in debate on this floor—it has been ushered before the public, through the Head of a Department, and has acquired unusual currency, and some degree of credit, by the manner in which it has gained publicity. That which was at first mere rumor, has, by a species of official acts, become in some measure confirmed; and characters, perhaps not intended to be embraced, have been implicated, and exposed to crimination and reproach. From zeal to impute blame to one class of citizens, it may, on due examination, be found they have cast odium on men of another description, whom I presume they had no intention to injure. Eager to spread the story, they may find, on further inquiry, they have involved their friends as well as those they deem their enemies. Had the subject been confined to vague rumor, it certainly would not have deserved the trouble of an examination in this place. But when we consider it comes before the public in the form of a letter addressed to the Head of a Department, from a highly distinguished and meritorious officer, and through that channel is issued to the world with a sort of official authenticity;—when we consider it has been more than once repeated by honorable gentlemen within these walls; and, above all, when we consider on whom the stigma must attach, if the report be founded on fact, it rises above idle report, assumes a character of importance, and presents a subject for investigation not beneath the dignity of this House. I allude to the *blue lights*, so called, which are said to have been displayed at or near the harbor of New London, in the manner stated by gentlemen some days since in this place; for surely no men ought to rest under such foul reproach, without proof of the fact. It is a charge, if not of direct treason within the limits of the Constitution, in adhering to the

enemy, giving them aid and comfort, is at least a charge of giving that enemy light and information, whereby they may be better able to carry on the war, check the movements and defeat the operations of our own ships. The resolution I am about to submit, is not induced from a belief in my mind that it is correct in fact; for I have no hesitation in declaring it as my belief, grounded on information derived from gentlemen in that vicinity, of the first respectability, that it is incorrect. Nor do I seek the inquiry because I think the State from whence I came can be chargeable with acts which the Constitution forbids; or that I am willing to believe my native town contains among her citizens men so abandoned as to light torches, as signals to the enemy, which would in all probability lead to the destruction of their own dwellings. The conduct of the citizens of Connecticut is well known, and gratefully acknowledged by the General Government, in protecting their property, when they were unable to protect it themselves—their conduct in keeping at bay the proud and insulting ships of Great Britain, which, without their voluntary aid, might have captured or destroyed a part of that Navy which sustains our hopes and buoys up the national character, would seem to forbid and preclude all suspicion against them as the perpetrators of such deeds. Sir, the State of Connecticut has felt a pride in protecting that charge, unfortunately committed to their care. But if men, of whatever station or politics, are to be found, who attach to them the slightest suspicion of treachery, in relation to the American ships now in that harbor, they will, on a plain statement of facts, at once dismiss their jealousies, and acquit that State and its citizens from the charge raised against them, or the suspicion, if it does not vanish, must be extended to others for whom they are not responsible.

It will be recollected, that Commodore Decatur arrived with his squadron in the harbor of New London the beginning of June last, being driven into that port by a superior British force, which has continued to invest that port, and will continue to blockade it, doubtless with an intention of depriving the country of the skill and exertion of that valuable and distinguished officer, during the present war. At this time, one year after war was declared, the United States had not troops at that place adequate to the protection or defence of the ships; at this critical moment the State of Connecticut, although not approving of the war, called forth her patriotic sons, and the inhabitants of New London were not backward on the occasion to protect the boast of the country, defend their own soil, exposed to danger by the acts of the General Government, and resist the enemy. At the beat of the drum, they repaired to the scene of danger; they occupied the adjacent heights; they guarded the points of the harbor and defended the coast. For months, during the time these watchmen, faithful to themselves and their country, were on duty in your service, no charge of disloyalty was heard against them—no surmises of treason were circulated

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against the citizens. About the first of November, the United States having collected, as was supposed, a competent number of troops, and having repaired the fort on the east side of the harbor, the detachments from Connecticut were dismissed, with the thanks of that State and the approbation of the General Government. From this period the United States troops, occupying the forts on each side of the harbor, commanded the adjacent heights, kept or ought to have kept guards on the points near the enemy's ships, to watch his movements and detect any improper intercourse from the shores. Yet on these very heights and points, these wicked torches, these mysterious lights, are said to have been raised, if they were exhibited as represented. Now, sir, I know the officers commanding on this station; they are faithful and honorable men—and I am bound to presume they have performed their duty; but the report casts censure on them, or at least implies a neglect of duty and want of vigilance in them, which I am unwilling to attach to them, without further proof. The subject merits inquiry; if the report is correct let the censure fall on those who have incurred it—if incorrect, let the reproach be wiped away. With a view, therefore, to ascertain the facts correctly, I move the following resolution:

Resolved, That a committee be appointed to inquire whether any treasonable correspondence has been held, or information given, by means of blue lights, or signals by fire, given from the shores at or near the harbor of New London, in the State of Connecticut, to the blockading squadron off that harbor, whereby the enemy might learn the state, condition, or movements of the American ships, under the command of Commodore Decatur, now in that port; and that the committee be authorized to take evidence by deposition, or otherwise, as they shall deem necessary, and report thereon to this House.

The House agreed to consider the resolution.

Mr. MOSELEY.—Mr. Speaker, I hope the resolution offered by my honorable colleague will be agreed to, and that a committee may be appointed to make the inquiry proposed. It could, perhaps, hardly be expected that this subject of blue lights should claim the attention of this House, were it not for the consequence given to it by the various circumstances which have just been stated by the mover of the resolution, and which I need not repeat.

Sir, as a citizen of Connecticut, I feel no particular solicitude, lest the character of that State should suffer by any representations which have been made, or which may be made on this subject.

From the best information I have been able to obtain, I am very much inclined, with my colleague, to discredit the reports which have been put into circulation respecting these blue lights. I am induced to believe, that upon due examination it will be found, that there has been some mistake in this business. But, admitting that these blue lights have in fact been seen in the manner represented—it is clear from the statement made by my colleague, who resides at New London, and must be perfectly acquainted with

the situation of the country, as well as from the representation made by a great number of the most respectable citizens of that place, that they could not be made by any private person without detection. Troops of the United States were standing on each side of the harbor, and, it is to be presumed, they would guard each of the points where these blue lights are said to have been exhibited.

There are, or ought to be, guards or patrols constantly maintained, and especially in the night season. No person could, therefore, without discovery, exhibit these lights at the places where they are said to have been seen. It follows therefore, if they were indeed seen, as has been represented, either that these troops must have been criminally inattentive to their duty, or themselves privy to the deed. Neither of these conclusions ought to be drawn upon slight ground. And this view of the case makes it more important, that the proper inquiry should be had. I hope, therefore, that the subject may be duly investigated by a committee of this House, and that the public may be possessed of the true state of facts respecting these blue lights, which have excited so much attention and assumed so much importance.

As to any animadversions which they may have occasioned in this House, I do not attach so much importance to them, as they appear to merit in the estimation of my colleague.

Blue lights, I presume, have occasionally been brought into debate, as certain other terms frequently are, without any real or specific meaning, but simply by way of ornament or embellishment to a speech, such as *Old tory*, *British gold*, *Henryism*, &c.; and if any honorable gentleman should at any time consider that blue lights, regularly interspersed in his speech, would render it more lucid or brilliant, I certainly would not wish to deprive him of any benefit which he may propose to himself from the use of them in this way.

Sir, it cannot be necessary, I apprehend, to add further remarks at this time. The committee proposed, I hope, will be appointed, that it may be ascertained if practicable in the first place whether any blue lights have in fact been displayed as signals to the enemy; and if so, by whom, and in what manner. That the odium of so detestable and treasonable a deed may fall where it ought.

Mr. GRUNDY, of Tennessee, said the sensibility displayed by the gentlemen from Connecticut on this subject was most honorable to themselves; and he certainly concurred with them in the hope that upon examination it would appear that no portion of the people of that State were capable of an act so base and dishonorable. So far, however, as his mind had been impressed, he differed from the gentleman who appeared to think there was no foundation for the report. It ought to be recollected that the commander of the American squadron, whose authority could not be questioned, had stated what was his impression, derived from the information of the officers and men under his command. The same impression was confirmed on the mind of Mr. G., by the statements

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of newspapers on the spot, conducted by those who differed from him in politics, narrating the circumstance which had been alluded to. He should vote for the inquiry, but he did not wish to see a departure from the regular course. The inquiry belonged properly to the Naval Committee, he conceived—because it was the Navy which was intended to have been particularly injured by the exhibition of those lights. He moved to amend the resolution so as to refer the subject to that committee.

Mr. FISK, of New York, said he was sorry to hear a wish expressed by the gentleman from Tennessee for the proposed inquiry. When he looked at the principle of this motion, he trembled at the consequences of its adoption. What was the principle? It was nothing more than a proposition to exercise, through a committee of this House, the inquisitorial power to inquire whether treason has been committed in a particular instance. He hoped no such precedent would receive the sanction of the House.

Mr. EPPES, of Virginia, remarked, that the adoption of such a resolution as this would place the House of Representatives in an awkward situation. It was unquestionably the right of the House to inquire into all things connected with subjects of legislation; but, to justify this inquiry, it ought to be for some specific object. He, therefore, proposed to amend the motion, so as to constitute a committee to inquire into the expediency of providing by law for the punishment of persons who hold out blue lights to the enemy, or commit other acts of a like nature, not amounting to the crime of treason.

Mr. ROBERTS, of Pennsylvania, on the ground that the House appeared to be embarrassed by the nature of this question, and not prepared to decide on it, moved that it lie on the table.

Mr. LAW explained his motive for submitting the motion. It was not on account of its intrinsic importance, but from the importance which he had attached to it by its frequent introduction and assertion on the floor of this House.

Mr. JACKSON, of Virginia, said he was not prepared, nor did he know that he ever should be, to act on the subject, and, therefore, he wished the motion to be laid on the table. Was this House, he asked, to be erected into a court of inquiry or judicature for criminal offences? Notwithstanding, in this case, an offence has been committed, as was proved by testimony the most irrefragable—an offence which he hoped the attorney of the district would, as was his duty, direct an inquiry into—yet this House were to be called upon to travel out of their duty to inquire into it. He hoped time would at least be given for deciding on the propriety of the proposed inquiry.

Mr. RHEA, of Tennessee, opposed the motion to lay the resolution on the table, because he wished it to be decided by a direct negative. The pendency of such a motion he apprehended would have the effect to prevent or arrest proper inquiry elsewhere.

Mr. CALHOUN, of South Carolina, said this was not an object worthy the attention of the House,

because it was too diminutive. The object avowed by the mover, that is, to defend the character of the State of Connecticut from injury on this head, was not a sufficient one for this House to proceed upon. No one had been cruel enough to charge the act in question on the citizens of New London, or on the State of Connecticut. He hoped it would lie on the table.

Mr. WRIGHT, of Maryland, expressed his surprise at the proposition of this inquiry from the side of the House in which it originated—a surprise which was not lessened by a recollection of the sensibility in that quarter the other day, when a motion for inquiry of a nearly similar nature, in the conduct of Governor Chittenden, had been proposed from this side—

The SPEAKER here interposed, and required the confinement of debate to the motion pending, viz: To lay the subject of debate on the table.

And the question was taken to lay the resolution on the table, and decided thus: For laying it the table, 89; against it, 42.

So Mr. LAW's motion was laid on the table.

TURREAU'S LETTER.

Mr. ROBERTS, of Pennsylvania, offered for consideration, without preface, the following resolution:

Resolved, That the Message of the President, communicating a report of the Secretary of State, respecting the translation of a letter addressed by the late Minister of France to the Secretary of State, bearing date on or about the 14th of June, 1809, which it appears, from the said report, has been irregularly withdrawn from the Department of State, be referred to the Committee of Foreign Relations, to investigate when, by whom, and in what manner the said translation of a letter was so withdrawn; and when and in what manner it came into the possession of Alexander C. Hanson, a member of this House; and that the said Committee be authorized to send for persons and papers.

On motion of Mr. CALHOUN, the resolve was amended, by a vote of 76 to 48, so as to substitute a select committee for "Committee of Foreign Relations."

Mr. FISK, of New York, said he had hoped he should not have heard any more debate or proceedings on this famous letter. To institute a committee to inquire by what means this letter got into the possession of any person, would be wasting the time of the House on a subject not worthy of its attention. What was to grow out of the inquiry? Was it pretended that the bureau of State had been rifled of its regular files? No such allegation had been made, nor was any such inference deducible from the report. For his own part, Mr. F., said he was free to declare that he did not care how the letter came into the possession of the honorable member who was named in the motion, and therefore he did not wish any inquiry into the matter.

Mr. GROSVENOR, of New York, said he hoped the House would adopt the resolution with an amendment, which he moved in the following words, to be added to the end of it: "And, also, when and in what manner the original of such

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translation was withdrawn from the Department of State." He said he was glad that the gentleman from Pennsylvania, according to his promise, was pursuing the inquiry, which Mr. G. said he was desirous to have pursued thoroughly and entirely. When this committee was raised, he also wished to clothe it with power to correct the recollections of Mr. Graham, which that gentleman had stated to be extremely faint on these points.

Mr. KING, of Massachusetts, moved to amend the amendment, so as to authorize the inquiry, "When, and in what manner, for what cause, by whom, and at whose request," the paper was withdrawn.

Mr. GROSVENOR accepted this as a part of his motion.

Mr. ROBERTS said he was as much disposed as the gentlemen from New York and Massachusetts could be, to prosecute this inquiry to some practical result; but it appeared to him that the information afforded by the report was perfectly satisfactory on the points on which the gentlemen wished an inquiry. It distinctly stated that the letter was withdrawn by a member of the French Legation; and, as to the time, that it was previously to the rupture of the negotiation with Mr. Jackson. Now, Mr. R. said he had understood, when an inquiry on this subject was first proposed, that the most particular allegation in relation to it, and which was asserted and reiterated with great positiveness, was, that the letter had not been withdrawn until after the dismissal of Mr. Jackson. Sufficient was now known to prove that not to be correct; and the probability was, that other assertions were alike incorrect. Though the letter was withdrawn, the translation ought to have remained in the office, and it ought to be known how it found its way thence into the possession of a member of this House; so that, if the department was not under proper regulations as to the preservation of its papers, some provision ought to be adopted in that respect. Such was the object of his motion.

Mr. GROSVENOR spoke in support of his amendment, and in reply to Mr. ROBERTS. He said the gentleman ought not to hesitate to accept his amendment as a part of his motion. The basis of the resolution was, that the subject was worthy of inquiry. If worthy of inquiry at all, it was worthy of a full and effectual examination. As to the report, it was unsatisfactory as to the principal points. The Secretary himself knew nothing of it, as it took place before he came into office. His chief clerk's recollections were extremely faint on the subject. Now, Mr. G. said, the chief clerk could not know the material fact of one of the Heads of Department having been sent to Baltimore to ask this Frenchman to take back his saucy letter. As to the withdrawal of the letter, it might have been taken back after Jackson's dismissal, before Mr. Smith's conversation with Mr. Graham on the subject; on these points the inquiry ought to be efficient, with which view Mr. Smith himself might be summoned before the Committee, &c.

Mr. FARROW, of South Carolina, was opposed to the amendment and to the resolution. He said it put him in mind of a play, the performance of which never paid for the candles burnt during its performance; and, in like manner, the subject of this discussion was not worth the precious time consumed in it, &c.

Mr. PEARSON, of North Carolina, supported the amendment. He said it appeared, from the admission of the gentleman from Pennsylvania, in his motion, that it was proved by the report, that this was an official letter, which had been "irregularly withdrawn" from the Department of State. This fact was denied, heretofore, and it had been asserted that the letter was not genuine. Mr. P. went on and made some observations in support of this proposition, and of the necessity of further inquiry, as proposed by the amendment, that the House and the world might know with what kind of equal justice and temper our Government had acted in 1809 towards the Governments of France and Great Britain.

Mr. ROBERTS said that it had at first been stated that the letter had been on file; it was now proved that it never had been on file, and he might show, with equal clearness, that many other statements, made with equal positiveness, were untrue. The only question now worthy of inquiry was, how that letter came into the possession of any other person than the Secretary or clerks of the Department of State.

Mr. McKIM, of Maryland, said it had been his wish that this resolution should have been put upon its final passage, that he might vote against it. But perceiving that the field was opened wide for debate, which would be an useless expenditure of the time of the House, he was compelled to move that it lie on the table.

Mr. GROSVENOR hoped the resolution would not be suffered to lie on the table for the whole session. It contained imputations on a member, now absent from indisposition, who had declared his anxiety to have the subject fully investigated; and it was no more than due to him that the motion should be speedily acted on.

Mr. GRUNDY, of Tennessee, hoped it would lie on the table, and pledged himself for one to agree to consider it at a future day, when the national business (alluding to the bills reported by the Committee of Foreign Relations) should be less pressing.

Mr. GASTON, of North Carolina, opposed its lying on the table. Procrastination always delayed instead of expediting business, and he much feared, if it was laid on the table, that it would never be taken up again.

The question to lay the resolution on the table was decided by yeas and nays: For laying on the table 80, against it 62, as follows:

YEAS—Messrs. Alexander, Alston, Archer, Avery, Bard, Barnett, Beall, Bowen, Brown, Burwell, Butler, Caldwell, Calhoun, Chappell, Clopton, Condict, Conard, Crawford, Creighton, Crouch, Denoyelles, Desha, Earle, Eppes, Evans, Findley, Fisk of New York, Forney, Franklin, Gholson, Gourdin, Griffin, Grundy, Hall, Harris, Hawes, Hubbard, Humphreys, Ingersoll,

Ingham, Jackson of Virginia, Johnson of Virginia, Kennedy, Kerr, Kershaw, Kilbourn, King of North Carolina, Lefferts, Lyle, McCoy, McKee, McKim, McLean, Moore, Nelson, Newton, Ormsby, Parker, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ringgold, Roane, Sage, Sevier, Seybert, Skinner, Smith of Pennsylvania, Strong, Tannehill, Taylor, Telfair, Udrec, Ward of New Jersey, Williams, Wilson of Pennsylvania, Wright, and Yancey.

YAYS—Messrs. Baylies of Massachusetts, Bigelow, Bradbury, Breckenridge, Brigham, Caperton, Champion, Cilley, Cox, Culpeper, Davenport, Davis of Massachusetts, Dewey, Ely, Farrow, Forsyth, Gaston, Geddes, Grosvenor, Hale, Hopkins of New York, Howell, Irwin, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Law, Lewis, Lovett, Markell, Moffitt, Montgomery, Moseley, Murfree, Oakley, Pearson, Pickering, Pitkin, Post, Potter, John Reed, William Reed, Ridgely, Roberts, Ruggles, Schureman, Sheffield, Sherwood, Shipherd, Smith of New York, Stanford, Stockton, Sturges, Taggart, Tallmadge, Thompson, Ward of Massachusetts, Webster, Wheaton, Wilcox, Wilson of Massachusetts, and Winter.

BONDING OF LIBELLED GOODS.

On motion of Mr. CALHOUN, of South Carolina, the House resolved itself into a Committee of the Whole, on the bill for prohibiting the delivery of libelled merchandise on bonds to the owners thereof, pending its trial.

Much desultory debate took place on this bill, in the course of which Messrs. WARD, BRADBURY, WILLIAM REED, KING, of Massachusetts, POST, and KENT, of New York, and GASTON, of North Carolina, opposed, and Messrs. CALHOUN and ROBERTS supported the principle of the bill.

On the one hand it was said, that the provisions of the bill would be productive of great delay and inconvenience, and of no benefit to the United States; that the evils it proposed to remedy were of that character which it was in the power of the Government of the United States to remedy by a more strict attention to the selection of their officers; and that the provisions of the bill, without guarding the laws from evasion, would place the great body of the merchants in a state of suffering, and subject them to much unnecessary and vexatious delay, &c.

On the other hand it was said, that, by means of this practice on the part of the courts, which the Government had in vain endeavored to prevent, the greatest violations of the law took place by collusive partnerships, valuations, and sales, insomuch that the non-importation act was almost a dead letter as to its actual operation. That the fraudulent merchant only could object to the laws being strictly enforced, and that the additional profits the honest merchant would derive in consequence of its enforcement will more than compensate him for the injury he sustains.

Mr. WARD moved an amendment, the object of which was that the proceeds of the sales of perishable articles, instead of remaining in the hands of the marshal, should be delivered to the owner, or person claiming to be so, he giving bond, &c.—Negatived in Committee, 65 to 56.

The Committee rose and reported the bill with a slight amendment.

Mr. WARD renewed his motion to amend, which was negatived by yeas and nays. For the motion 52 against it 84, as follows:

YAYS—Messrs. Baylies of Massachusetts, Bayly of Virginia, Bigelow, Bradbury, Breckenridge, Brigham, Champion, Cilley, Cooper, Cox, Culpeper, Davenport, Davis of Massachusetts, Dewey, Ely, Gaston, Geddes, Grosvenor, Hale, Hopkins of New York, Howell, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Law, Lewis, Lovett, Markell, Moffitt, Montgomery, Moseley, Oakley, Pearson, Pickering, Pitkin, Post, John Reed, William Reed, Ridgely, Schureman, Sheffield, Sherwood, Stockton, Sturges, Tallmadge, Vose, Ward of Massachusetts, Webster, Wheaton, White, Wilcox, and Winter.

NAYS—Messrs. Alexander, Alston, Anderson, Archer, Avery, Bard, Barnett, Beall, Bowen, Brown, Burwell, Butler, Caldwell, Calhoun, Chappell, Clopton, Comstock, Condict, Conard, Crawford, Creighton, Crouch, Denoyelles, Desha, Earle, Findley, Fisk of Vermont, Fisk of New York, Forney, Forsyth, Franklin, Gholson, Gourdin, Griffin, Grundy, Hall, Harris, Hawes, Hubbard, Humphreys, Ingham, Irving, Jackson of Virginia, Johnson of Virginia, Kennedy, Kerr, Kershaw, Kilbourn, King of North Carolina, Lefferts, Lowndes, Lyle, McCoy, McKee, McKim, McLean, Moore, Murfree, Nelson, Newton, Ormsby, Parker, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ringgold, Roane, Roberts, Robertson, Sage, Seybert, Stanford, Tannehill, Taylor, Telfair, Troup, Udrec, Ward of New Jersey, Williams, Wilson of Pennsylvania, and Yancey.

Mr. BRADBURY, of Massachusetts, moved to amend the bill so as to limit the existence of its provisions to that of the non-importation acts.—Motion lost.

After several attempts to procure an adjournment, which were negatived, the bill was ordered to be engrossed for a third reading.

TUESDAY, January 25.

Mr. INGERSOLL reported the agreement of the Judiciary Committee to the amendments of the Senate to the bill to appoint an additional judge in the Missouri Territory; which amendments were concurred in by the House.

Mr. TROUP, from the conferees on the disagreeing votes of the two Houses on the bill for filling the ranks of the Army, &c., made a report; which was ordered to lie on the table.

A message from the Senate informed the House that the Senate have passed a bill "to incorporate the Directors of the Washington Library Company," in which they desire the concurrence of this House.

PETITION OF MARY CHEEVERS.

Mr. INGHAM made an unfavorable report on the petition of Mary Cheevers, recommending that she have leave to withdraw her memorial.

[The case of the petitioner is this: She is the mother of two sons of her own name, on whom was her sole dependence for support, who were on board the frigate Constitution in both her actions with the Guerriere and the Java, in the lat-

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ter of which both were killed. It was further stated, in debate by Mr. ARCHER and Mr. TAYLOR, that one of these brave fellows, *in the agonies of death*, raised himself from the deck and *cheered aloud* on being informed that victory had declared in our favor.

The report goes upon the ground that it would be improper to provide by law for individual cases; and that no general provision existed in our laws for relieving the wives and children even of those who fall in the naval service, though a bill for that purpose is now before the House, by a provision in which, if at all, it was said, relief might be extended to the petitioner.]

The report was opposed by Messrs. ARCHER, of Maryland, REED, and WARD, of Massachusetts, and TAYLOR, of New York, and was supported by Mr. INGHAM.

On motion of Mr. TAYLOR, the report was referred to a Committee of the Whole.

ADVANCES OF MONEY BY STATES.

The SPEAKER laid before the House the following report:

WAR DEPARTMENT, *January 24, 1814.*

SIR: In obedience to a resolution of the House of Representatives of the 15th instant, I have the honor to transmit the enclosed letter and account.

By the former it appears that no claims (other than those of the State of Virginia) for moneys advanced by States or Territories, in calling into the service of the United States detachments of militia, are filed with the Accountant of the War Department; and by the latter is shown the items in the accounts rendered by the State of Virginia, which have been adjusted under the authority of existing laws, and those also which require legislative provision.

I have the honor to be, &c.

JOHN ARMSTRONG.

Hon. Mr. CHEVES,

Speaker of the House of Reps.

DEPARTMENT OF WAR,

ACCOUNTANT'S OFFICE, *January 22, 1814.*

SIR: In conformity to the resolution of the 15th instant, I enclose a copy of a letter from the Governor of Virginia, addressed to the Secretary of War, and by him referred to this office; and a copy of my letter in reply to the Governor, together with a copy of the list of disallowed charges on settlement at this office on the 17th of November, 1812, as well as the amount of the moneys now standing to the debit of the State of Virginia on the books of this office. There are no other documents in this office touching the subject of the resolution of the House of Representatives, no accounts being filed here for moneys advanced by States or Territories in calling into service of the United States detachments of militia.

Respectfully, I am, &c.

W. SIMMONS.

The SECRETARY OF WAR.

RICHMOND, *October 14, 1812.*

SIR: Enclosed I transmit an account of the Commonwealth against the United States, and the vouchers in support thereof. I beg leave to suggest to you the indispensable necessity of a prompt attention to this subject, as the contingent fund, upon which we have been compelled to draw for a great proportion of this account, is entirely exhausted, and claims against

the State, which depend upon that fund for payment, are suspended. If a difficulty should arise to any of the items, it may be a subject of future discussion. In the interim, it is important to us that so much of the account as is admitted should be forthwith discharged. If convenient, a draft on the bank here will be most acceptable. With high respect, &c.

J. BARBOUR.

The SECRETARY OF WAR, *Washington.*

DEPARTMENT OF WAR,

ACCOUNTANT'S OFFICE, *Nov. 17, 1812.*

SIR: The Secretary of War has referred to this office your letter to him of the 14th ultimo, together with the accounts accompanying it. These accounts, as well as those heretofore rendered by the State of Virginia, have been acted on, and such parts admitted as it is thought the military laws of the United States, existing at the time the disbursements were made, would authorize. A copy of the account current now enclosed, will show you the items composing the sum of \$17,159 31, the amount admitted. And the accompanying statements embrace all the charges made by the State which have been disallowed, with the causes of such disallowance noted. Such of the rejected vouchers as are not on file in this office were returned to Mr. Henning; a list of which is added to statement No. 1, herewith. The balance in favor of the United States is \$2,114 10, as will appear from the enclosed account current. I have the honor to be, &c.

WM. SIMMONS.

His Excellency JAS. BARBOUR,
Governor of Virginia.

On motion of Mr. EPPES, the report was referred to the select committee having the subject under consideration.

BONDING OF LIBELLED GOODS.

The engrossed bill "for the more effectual enforcing of the non-importation laws by forbidding the courts to deliver to the claimants, pending the trial, merchandise or other articles seized under the same," was read a third time and passed—yeas 87, nays 56, as follows:

YEAS—Messrs. Alexander, Alston, Archer, Avery, Bard, Barnett, Beall, Burwell, Caldwell, Calhoun, Chappell, Clopton, Condict, Conard, Crawford, Creighton, Crouch, Davis of Pennsylvania, Denoyelles, Desha, Earle, Eppes, Evans, Farrow, Findley, Fisk of New York, Forney, Forsyth, Franklin, Gholson, Glasgow, Griffin, Grundy, Hall, Harris, Hasbrouck, Hawes, Hubbard, Hungerford, Ingham, Irwin, Jackson of Virginia, Johnson of Virginia, Kennedy, Kent of Maryland, Kerr, Kershaw, Kilbourn, King of North Carolina, Leferts, Lowndes, Lyle, Macon, McCoy, McKee, McKim, McLean, Montgomery, Moore, Murfree, Newton, Ormsby, Parker, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ringgold, Roane, Roberts, Robertson, Sage, Sevier, Seybert, Smith of Pennsylvania, Strong, Tannehill, Taylor, Telfair, Troup, Udree, Ward of New Jersey, Williams, Wilson of Pennsylvania, Wright, and Yancey.

NAYS—Messrs. Baylies of Massachusetts, Bigelow, Bradbury, Breckenridge, Caperton, Cilley, Cooper, Cox, Culpeper, Davenport, Davis of Massachusetts, Dewey, Ely, Gaston, Geddes, Grosvenor, Hale, Hanson, Hopkins of New York, Howell, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Lewis, Lovett, Markell, Miller, Moffitt, Mosley, Oak-

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ley, Pearson, Pickering, Pitkin, Post, Potter, John Reed, William Reed, Richardson, Ridgely, Ruggles, Schureman, Sheffield, Sherwood, Shipherd, Stanford, Sturges, Taggart, Tallmadge, Thompson, Vose, Ward of Massachusetts, Webster, Wheaton, White, Wilcox, and Winter.

PROHIBITION OF RANSOM.

The House, on motion of Mr. CALHOUN, resolved itself into a Committee of the Whole, on the bill to prohibit the ransoming of ships or vessels of the United States, and the goods or merchandise on board the same, captured by the enemies thereof.

The blank, for the time after which it shall have effect, was filled with the first day of April.

Considerable desultory discussion took place on the principle of the bill, which was opposed by Messrs. POST and GROSVENOR of New York, and WARD, PICKERING, and RICHARDSON of Massachusetts; and supported by Messrs. CALHOUN of South Carolina, WRIGHT of Maryland, and FISK of Vermont.

In opposition to the bill, it was said that it was contrary to the true policy of this nation, which, being weak in its maritime power, ought to permit the vessels of its citizens to be ransomed, because the chance of recapture on its way to the port of an enemy is small; that no benefit could, in fact, result to the United States from its passage, as the non-importation act was capable of invasion in a thousand ways—not admitting, however, the fact stated of frequent evasions of that law by pretended ransoms; that the operation of this law would be cruelly severe on the coasters and poorer classes of our citizens, who were allowed by the enemy to release their craft for a very small proportion of its value, &c.

The advocates of the bill, in reply, adduced the statement of the Executive of collusive practices under this pretext of ransoming vessels, for the purpose of evading the non-importation laws, and affording intelligence to the enemy. They stated, also, that if no such statement had been laid before the House, the fact was sufficiently notorious without it. The law might, it was true, give rise in its operation to occasional cases of hardship; but no principle of Government was better established or more generally acknowledged, than that the interest of individuals must give way to that of the community, which it was contended demanded the passage of the law, &c.

The Committee rose, and reported the bill to the House. On the question of its passage to a third reading,

Mr. PITKIN, of Connecticut, spoke against the bill; and Mr. WRIGHT in favor of it.

On motion of Mr. TROUP, of Georgia, the bill was ordered to lie on the table; but was subsequently resumed.

Mr. GASTON rose to move that the bill lie on the table until to-morrow. In making this motion, he had no design to delay the decision upon its passage, but to procure a little time for reflection. It had been complained by gentlemen favorable to this bill, that all the meas-

ures suggested by the majority met with a systematic resistance, and it was strongly insinuated that to this zeal of oppugnation was attributable the opposition to this bill. For himself he begged leave to say that he felt an anxiety to discover some measure of the majority, which a regard for the welfare of his country, and a respect for the dictates of his conscience, would permit him to support. He had viewed this bill as possibly affording such an occasion, especially as, in the almost annihilated state of our commerce, but little practical effect could follow from it. But he feared that his hopes had been visionary, and wished for leisure to discover, or enable others to discover, how it could possibly operate any good end.

On all hands, it was admitted that the prohibition of ransoming would produce individual inconvenience, but the Committee of Foreign Relations believed this inconvenience atoned for, by the great public benefit it would effect. This benefit was said to be the suppression of "collusive captures by the enemy, covered under the practice of ransoming." Now, he could understand how such collusion might exist while we had a coasting and an export trade; but now, that the embargo hermetically closed our ports against the departure of our vessels, he was utterly at a loss to imagine how it was practicable. The object of ransoming is, to be permitted to retain the captured property. The only instance in which ransoming can now take place, is with respect to American vessels going from one foreign port to another, or returning from abroad home. Any inducement to "collusive captures," under pretence of ransom, in instances of the first description, had not been suggested, nor was readily conceivable. As to those of the other class, he had perplexed his mind hitherto in vain, to find out what temptation there could be to a collusive capture and ransom. It would seem that, if the ship was not concerned in illegal importation, and had no prohibited goods on board, she needed no stratagem of the kind to legalize her entry into the ports of her own country; if she had a prohibited cargo, it seemed equally certain that the process of capture and ransom neither changed its character, nor altered our laws forbidding its introduction. Perhaps reflection might show that there were possibilities of such a practice, notwithstanding his present view seemed very clear to the contrary. He wished, if it were so, to know them, and, on knowing them, would take pleasure in supporting any measures calculated to put down an injurious practice. He hoped, therefore, that the bill would lie on the table.

No answer was made. The motion for the bill to lie on the table was put and rejected. The question being then stated, "Shall the bill be engrossed?"

Mr. GASTON again rose and observed, that as all his efforts had been vain to discover the possibility of the practice meant to be put down by this bill, at the expense of acknowledged individual injury, and as time to find out such a possi-

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bility had been refused him, he claimed to know of the committee who reported this bill, and of the gentlemen who wished it enacted into a law, whether any of them had been able to find out a possible case? If they had, he begged them to state it, and his objections were removed; but if they could find none such, he desired to be informed upon what principle he or any other person could decently vote for the bill?

A pause ensued—all eyes were turned upon the Chairman of the Committee of Foreign Relations. No answer was given. The question was put, and the bill ordered to be engrossed.

Mr. GROSVENOR said, he was not certain that he understood the principles upon which the bill purported to be founded, sufficiently to justify him in offering any remarks upon it to the Committee; yet so palpably incorrect was the whole policy of the measure, as it was presented to his mind, that he could not withhold his view of it. But first, Mr. G. said, he would offer his solemn protest against this method of legislating. In reply to an inquiry made by his honorable colleague, (Mr. POSEY,) the Chairman of the Committee of Foreign Relations, who reported the bill, (Mr. CALHOUN,) had stated that abuses and evils did exist under this practice of ransoming, and that particular cases of abuse had been stated to the committee, of which that gentleman is chairman, by the proper Department. It was, Mr. G. said, against this manner of giving information to the House—information which it was essential that the House should possess for the regulation of its conduct—that as a member of the House, a co-ordinate and independent branch of the Legislature, he solemnly protested. He refused not to any committee of the House that confidence to which, as honorable men, and as responsible members of the House, they were entitled. But who is to act upon and pass this bill? Not a committee, but the whole House. The House, then, said Mr. G., ought to receive this information “from the proper Department.” It could not rely upon the judgment of any man, or set of men. It would be more decorous, more Constitutional, and infinitely more satisfactory for the body which was to act, and which were responsible for the act, to call for the facts; to have them exhibited, and then to judge whether they justified the harsh and unjustifiable measure now before it. This kind of legislation was a perversion, in his opinion, of the plainest Constitutional principles. Between Congress and the Executive there ought to be no middle body. There could be none consistent with his views of propriety and the Constitution of the country. Mr. G. ardently hoped this new system of blind confidence would be abandoned, and the old independent ground reoccupied by the House.

Mr. G. then asked upon what principles of general policy this measure was founded? The honorable chairman had been very cautious of his views and reasonings; but he stated that it was to correct abuses. And he had also stated that England had a similar act. Sir, said Mr. G., England has an act of a similar kind. But for

the very reason which induced England to adopt it, we ought, for years to come, to reject it. Mr. G. said he had always understood that it was the policy of Powers of great naval strength to forbid their subjects the practice of ransoming; and that it was equally the policy of nations of weak naval means to permit the practice. England was a strong naval Power; her navy was all-powerful on the ocean, and every sea is covered by her cruisers. Hence it is, that when any of her vessels are captured by an enemy, the probability of recapture almost amounts to a certainty. Probably her cruisers recapture two-thirds of her captured vessels before they are able to reach the port of her enemy. In these circumstances she forbids her subjects to ransom, because two-thirds of the money paid for ransoms would probably be thrown away and lost to the nation. How widely different is the case with us! So few are our cruisers, so weak is our little though gallant navy, that probably not one in ten of our vessels captured by the enemy can be recaptured. Hence it is obviously our policy for the present, as it is of all nations weak in naval strength, to permit the practice of ransoming, because thereby immense pecuniary advantages are procured to our citizens. The ransom money generally, Mr. G. believed, did not exceed one-tenth or one-fifteenth of the property ransomed; thus, in some measure, the evils resulting from the great superiority of the enemy in naval force, upon the remnant of our commerce, are parried and prevented. And thus the merchant and coaster, whose all is subjected to capture on the ocean by a superior naval force, is not exposed to absolute destruction.

It has been by this means, said Mr. G., during this war, your coasting trade has escaped absolute ruin. By means of ransom, immense quantities of property have been restored to our citizens, with very trifling pecuniary sacrifices. That numbers engaged in the coasting trade, whose whole property was vested in a sloop or a schooner, and who provided bread for their families by the navigation of our sounds, bays, and rivers, have been saved from absolute destruction by this practice. If this law had been passed two years ago, I hazard but little in saying, that a thousand vessels, now chained to your docks by an embargo, would have been at the bottom of the ocean, or safely anchored in the ports of the enemy.

True it is, said Mr. G., the mortal wounds already inflicted on commerce render these minor stabs of comparatively small importance; having pierced the heart of the victim, it perhaps matters little whether you lacerate the limbs which yet quiver with life, but quiver with the last agonies of dissolution—yet some life may remain, some vigor may, by possibility, be restored to the commercial world. It is, therefore, in anticipation of such an event, Mr. G. said, that he protested against a measure violating the great principles of commercial and national policy. So obviously, Mr. G. said, it was the true policy of a nation of extensive maritime commerce, but with a small naval force, to protect it when at war with one altogether her superior on the ocean,

to permit the practice, that until very lately it never was forbidden by England to her subjects. Never, until she had swept all naval Powers from the ocean; never, until her cruisers had so multiplied and triumphed in every sea as to render protection to her merchantmen almost entire, and the recapture of them, when taken, almost certain, did England change her laws upon this subject. When, Mr. G. said, our little navy, which has so gloriously sustained the sinking honor of our country, shall rise to an equality with the enemy, then, and not till then, will it become our policy to prohibit the practice of ransoming. At present, as a measure of great commercial or national policy, there is not one plausible pretence to support it. The little remnant of our commerce, if, indeed, a remnant has or shall escape the detestable laws of the embargo, will be aided and saved by the permission to ransom.

Your merchants have been beat down to the earth by the arm of a most foolish and loathsome policy. Distress and ruin has been spread among them with a rapidity and certainty which no art could evade, no firmness and prudence could resist. And now you are about to finish the great work of destruction by forbidding them a resort to the sparing hand of the enemy for relief. Why are you to do this? Why are you to give this last stab to the interests of a most useful and honorable class of men, whom for years you have stretched on the rack of disgrace and suffering? What are the evils to be remedied? The practice of ransoming is a cover for "collusive captures." Is this possible? And if possible, is the evil in actual existence? Where is the evidence? This is an independent branch of the Legislature—it acts independently of every other, and is solely responsible for all its acts; if there are any facts existing, tending in any degree to prove the existence of the evil, why are they not laid before us? Is this House ready to sacrifice the interests of commerce—to annihilate the last hope of the merchants and coasters—to violate the plainest and most imperious dictates of policy—upon the suggestions of the President, or of any committee?

Where, then, shall we stop? How long shall we blindly sacrifice the interests of our merchants upon the unsupported suggestions of men in no way responsible for our acts. Let us pause, and before we add another destructive act to those which have already prostrated in the dust the whole majestic commercial system of our country, let us at least demand that the facts upon which we act be placed distinctly before us. Then we may judge and act for ourselves—then we shall escape the odium which must attach to us, in common with all deliberative bodies who suffer themselves to be driven along by the influence of men whose designs we know not, whose objects we cannot penetrate, and who cannot answer for the evils we may bring on our country.

The bill was then ordered to be engrossed for a third reading.

FILLING THE RANKS, &c.

A message from the Senate was read, concurring with the report of the committee of reference on the disagreeing votes of the two Houses on the bill for filling the ranks, encouraging enlistments, &c.,—and the House took up the message.

Mr. TROUP stated that the report of the conferees had been made upon the principle of compromise, and amounted to this—that the House was to recede from its disagreement to the Senate's amendment, so far as relates to an increase of the land bounty, and the Senate was to recede from its amendment to the bill respecting the money bounty; so that, if the bill was agreed to, the whole bounty in money would be \$124 to each recruit; fifty on enlistment, fifty on mustering the recruit, and twenty-four on the discharge from service; the land bounty remaining as it has heretofore been. Mr. T. related the arguments which had been used in Committee, &c., and recommended an acceptance of the report.

The report was accepted by the House without a division.

THE NIAGARA FRONTIER.

Mr. HOPKINS, of New York, rose to make a motion which he deemed worthy the immediate attention of the House. His distance from the reporter prevented his first remarks from being heard. He took a rapid view of the progress of the campaign in the neighborhood of Fort George, and of the circumstances which led to the evacuation and destruction of that post, by our military force. Connected with that transaction also was another, into the merits of which it was not his purpose to enter at this moment, as it did not come within the scope of his motion. The village of Newark was burnt—a circumstance in every respect deeply to be regretted, both as respected the character of the nation, and the faith violated by that act, which had been so often pledged to protect the inhabitants in the enjoyment of their property and personal rights. The place had been burnt, not in the act of attack, not as villages suffer that are destroyed in the contending operations of opposing armies. It was burnt in cold blood, when there was no resisting force to defend it. And this act was the less defensible, because its position was such that it might have been destroyed at any moment if its destruction had been really necessary. The consequence of which act, and the abandonment of the country by the United States, and the public authority of the State of New York, was, that the enemy had retaliated on our frontier the distresses and injuries they had suffered by our invasion of their country. The fort of Niagara had been destroyed; and, notwithstanding the published accounts asserted to the contrary, with it a vast amount of public stores had been destroyed. It was impossible not to have foreseen, he said, when all our forces were withdrawn, when we gave up the conquest we had made to prosecute another and very distant one, that the country would be left exposed to the incursions of an enemy exasperated by our inroads

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into his territory, and so strong, too, that during great part of the past season he held our forces confined within a small fortification. The consequence of those incursions of the enemy were well known. Lewistown, Schlosser, and Buffalo, were burnt. It might be necessary, in the view of Government, to sacrifice a part of the territory for the preservation of the whole. Whatever was the object, the tract of country to which he had referred fell a sacrifice in consequence of the operations of the Government. War was first carried there by our Government, and the country afterwards left defenceless, abandoned to the enemy. The distresses incurred in consequence of this policy were great. Several villages had been burnt. Terrified by the fears and horrors of savage warfare, the people had abandoned their habitations, and for thirty or forty miles, and more, from the scene of action, the roads swarmed with the flying sufferers. To relieve their distresses he would propose a resolution to the House. He did not say whether it would be proper in all cases for the Government to compensate individuals for losses occasioned by war; but this was a case in which it would be proper for our Government to afford some relief. Our Government had heretofore extended the hand of relief to foreign sufferers—he alluded to the case in which a quantity of flour had been sent under the authority of Government to the sufferers at Caraccas; and he presumed our own citizens, equally suffering, were at least entitled to attention. Mr. H. was proceeding to advert to the liberality which it had always been the policy of Great Britain to display to her citizens in similar cases—but the SPEAKER called his attention to the subject of his motion; and Mr. H. submitted the following resolution:

Resolved, That a committee be appointed to inquire into the expediency of providing by law for the indemnity or relief of those who have suffered losses by the irruptions of the enemy on the Niagara frontier; and that the committee have leave to report by bill or otherwise.

Mr. CALHOUN, of South Carolina, observed that this motion embraced a novel principle, on which the House ought to have time to reflect, and therefore moved that it lie on the table.

Mr. TROUP rose to state a fact, not at all by way of replication to anything the gentleman had said in support of his motion; but merely to correct an impression which might otherwise gain currency in relation to the burning of Newark. The commanding officer in that quarter had been ordered, by the Secretary of War, to destroy Newark in one event only; when it should be absolutely necessary to the safety of Fort George. It could only have become so in case of an attack on Fort George, the enemy availing himself of Newark as a place of shelter. Now, no attack had been made on Fort George; and the burning of Newark was of course not consequent on any order of the Government, but the disobedience or misconduct of the commanding officer. Such would be the fact, he was convinced, which an official statement of this matter would disclose.

The motion was ordered to lie on the table.

THE LAKE SERVICE.

Mr. KILBOURN, of Ohio, rose to offer a motion on a subject which he deemed of great importance to the success of the next campaign. To obtain a complete ascendancy on Lakes Ontario and Champlain, especially on the former, he conceived to be a matter of indispensable necessity. He was of opinion that such measures ought to be taken as to render this acquisition so certain, that it should not remain a moment doubtful. The enemy in that quarter appeared to be duly apprized of the importance of a superiority of force on these lakes. Already we have information that they have on the stocks a ship calculated to carry sixty-four guns, also two other vessels, each as large as the General Pike. We have also heard that they are procuring the best officers from their navy on the ocean, and taking seamen from all their stations to man the Lake fleets. Mr. K. apprehended, unless some efficient measures were early adopted and vigorously prosecuted, we should be very apt to lose the ascendancy already acquired on those waters. He was informed, he said, and he believed from the best authority, that it had been found very difficult during the last year to obtain seamen for that service, owing to the greater frequency of sickness in that vicinity than on the Atlantic, to the higher price of clothing, inferiority of provisions, greater danger and less profit of service, &c., and he feared the difficulty would be rather increased than diminished in the next campaign. It had been further stated to him that the recruiting for the frigates had been injured on the seaboard, by the fear of the men that they should be detached for Lake service. Under these views of this subject, he submitted a resolution for consideration in the following words:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of increasing the pay of the officers, marines, and seamen, composing the crews of the fleets in the service of the United States, upon the Northern Lakes; and of offering such other inducements as they may deem necessary, if any, in addition to those now offered, for procuring a competent number and the proper description of men, for all the purposes connected with the naval service on that important frontier, by which to establish, with certainty, a complete command of those Lakes, so indispensably necessary for operations in that quarter, in the further prosecution of the war; and that they report by bill or otherwise.

Mr. LOWNDES, of South Carolina, said he hoped the resolution would not pass, though he had no doubt the object the gentleman had in view would be fully attained without it. He perfectly well remembered asking an officer of high reputation who had met with some success, but not as great as he deserved, in the operations in that quarter, whether any indisposition appeared among the seamen generally to serve on the Lakes; and he had replied in the negative. But if the fact were, that that service is not so inviting as some others, the plan of increasing the wages of seamen, offering additional inducements, would work an effect different from that which the gentle-

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man wished; and would be rather apt to deter seamen from entering it, for fear of encountering hardships more than commensurate with the additional inducement, &c.

Mr. KILBOURN spoke again in support of the motion, and stated more particularly some facts he had collected on this subject.

Mr. REED, of Massachusetts, took occasion to remark that the wages of seamen were not fixed by law, but were entirely at the discretion of the Head of the Navy Department.

The question on the adoption of Mr. KILBOURN's motion was decided in the negative.

WEDNESDAY, January 26.

CHARLES GOLDSBOROUGH, from Maryland, appeared and took his seat.

Mr. McKEE, from the Committee on the Public Lands, reported a bill for the final adjustment of land titles in the State of Louisiana, and Territory of Missouri; which was read twice, and committed to a Committee of the Whole on Saturday next.

Mr. TROUP, from the Committee on Military Affairs, reported a bill to amend the act, entitled "An act to authorize a corps of sea fencibles;" which was read twice, and committed to a Committee of the Whole on Saturday next.

The bill from the Senate, "to incorporate the Directors of the Washington Library Company," was read twice, and committed to a Committee of the Whole on Monday next.

Mr. TAYLOR, of New York, made the following report on the petition of certain inhabitants of the District of Columbia:

"The committee for revising the militia laws, to whom was referred the petition of Adam King, in behalf of the non-commissioned officers and soldiers of the detached militia of the District of Columbia, praying that an act may be passed, making to them the usual allowance for clothing while employed in the service of the United States, during the last campaign, report: That, by an act of Congress passed February 2, 1813, the non-commissioned officers and privates of the militia in the service of the United States became entitled to receive the same monthly pay, rations, and forage as were, or might be, provided by law for the non-commissioned officers and privates in the Army of the United States. No provision was made for an allowance in lieu of clothing, as in the case of volunteers called into service under the act authorizing the President of the United States to accept and organize volunteer military corps, passed February 6, 1812. The committee are not informed of the existence of any reason distinguishing the militia of the District of Columbia from that of the several States, or requiring special provisions for their benefit. They have received for their services a compensation equal to that of the non-commissioned officers and privates of any other detachment of militia ordered into service since the last day of December, 1812, and beyond the compensation of those called out previous to that day. The committee therefore submit the following resolution:

"Resolved, That the petitioner have leave to withdraw his petition."

The report, having been read, was concurred in.

RANSOM OF VESSELS.

An engrossed bill to prohibit the ransoming of ships or vessels of the United States, and the goods or merchandise on board the same, captured by the enemies thereof, was read the third time, and passed—yeas 80, nays 57, as follows:

YEAS—Messrs. Alexander, Alston, Anderson, Archer, Avery, Bard, Barnett, Beall, Bowen, Brown, Butler, Calhoun, Clark, Clopton, Comstock, Condict, Conard, Crawford, Crouch, Davis of Pennsylvania, Denoyelles, Desha, Earle, Evans, Farrow, Fisk of New York, Forney, Forsyth, Franklin, Gholson, Glasgow, Griffin, Grundy, Hall, Harris, Hawes, Hubbard, Humphreys, Ingham, Irving, Irwin, Jackson of Virginia, Johnson of Virginia, Kennedy, Kent of Maryland, Kerr, Kershaw, Lefferts, Lyle, Macon, McCoy, McKee, McLean, Montgomery, Moore, Murfree, Ormsby, Parker, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Roane, Roberts, Sevier, Seybert, Skinner, Smith of Pennsylvania, Strong, Taylor, Telfair, Troup, Udree, Ward of New Jersey, Williams, Wilson of Pennsylvania, Wright, and Yancey.

NAYS—Messrs. Baylies of Massachusetts, Bayly of Virginia, Bigelow, Brigham, Caperton, Champion, Cilley, Cooper, Cox, Culpeper, Davenport, Dewey, Ely, Gaston, Geddes, Grosvenor, Hale Hasbrouck, Hufty, Kent of New York, King of Massachusetts, King of North Carolina, Law, Lewis, Lovett, Markell, Miller, Moffitt, Moseley, Oakley, Pearson, Pitkin, Post, Potter, William Reed, Richardson, Ridgely, Rugles, Schureman, Sheffey, Sherwood, Shipherd, Smith of New York, Stockton, Sturges, Taggart, Tallmadge, Thompson, Vose, Ward of Massachusetts, Wheaton, White, Wilcox, Wilson of Massachusetts, Winter, and Wood.

ADDITIONAL RIFLE CORPS.

On motion of Mr. TROUP, of Georgia, the House resolved itself into a Committee of the Whole on the bill authorizing the raising of three additional rifle regiments.

Mr. TROUP explained his views in relation to this bill. Its object was to raise an additional number of a description of troops of peculiar utility in certain situations. Of the utility, indeed, necessity, of additional troops of this character, there was, he believed, no difference of opinion. The only question for the decision of the House was, in what manner this force should be raised; whether, as proposed in this bill, by raising additional men; or, by converting three of the regiments of infantry, now authorized by law, into rifle regiments; or, by attaching to each of thirty regiments of infantry, now in service, a flank company of riflemen; or, whether a discretion should be vested in the President to raise them, as might by him be deemed expedient, in one way or the other. Of these, Mr. T. appeared to prefer the mode proposed by the bill, principally because it would afford an opportunity for selecting officers, and enlisting men in those parts of the Union most familiar with the use of this weapon, &c. Mr. T. took occasion to say that there were unquestionably many supernumerary officers in the present state of the Army; and, he acknowledged, if its ranks were not likely to be filled, the regiments ought to be consolidated,

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and the supernumeraries disbanded. But, it was hoped and believed the measures taken by Congress would have the effect to fill the ranks, and render such a measure unnecessary.

Mr. TAYLOR, of New York, delivered a very able speech, of more than an hour in length, in support of the war, and in reply to several gentlemen in opposition; his colleagues, particularly, who addressed the House the other day. He declared himself, also, in favor of this bill.

Mr. GROSVENOR, of New York, followed in a spirited reply, point to point, to the speech of his colleague who preceded him. Mr. G. spoke nearly an hour.

Mr. SHIPHERD, of New York, next took the floor, and made a speech of rather greater length than Mr. GROSVENOR's, in which he neither spared the Administration, the majority in Congress, the war, nor the speech of his colleague Mr. TAYLOR. He did not mention the bill before the House.

Mr. RHEA, of Tennessee, having observed that he would vote in favor of the bill under consideration, said, after considering the number of gentlemen composing this House, and that every one of them had an equal right to deliver his sentiments—and noticing the monitor on his right, (the clock,) warning that the day is far gone—he perceived that little time remained for him to offer any observations in this debate; he therefore would proceed in a manner as concise as possible.

The debate, by the wide range assumed, appeared extraordinary—it seemed to draw in anything and everything, however remote, having any possible relation to the existing state of things; and therefore appeared undefined, extensive, and unlimited.

The idea of conquering Canada, in respect to propriety and impropriety, is a very happy idea—it affords either way so many points for argument and illustration, for good or for bad. That the Canadas will soon or late be an integral part of this confederated Union, is believed. The peace and happiness of these United States, and the peace and happiness of the British Empire, require that the Canadas shall be joined to the United States of America, as the great heretofore province of Louisiana has been united to them. During the time the Canadas were provinces of France, the British Empire was not at rest. Indians, under the influence and direction of French agents in Canada, were in the almost continual practice of making barbarous, bloody, and murdering incursions, on the frontiers of the then British provinces of North America, and continued so to do, until the Canadas were conquered from France, and became provinces of the British Empire. In the same manner, the Indians, under the influence and direction of British agents in the Canadas, have, for the most part of the time since the Treaty of Peace between the United States and Great Britain, progressed in a course of murderous incursions on the frontier of, and of open, avowed warfare against, the United States. That state of things cannot always be in operation against these United States, every day growing

stronger in population and resources; and, however long that junction of the Canadas may be deferred, the United States, for reasons too obvious to mention, will not be at rest until the Canadas are confederated with them; and, until the Canadas be so confederated, they will be to Great Britain a source of expense, perplexity, and terror. He observed that, although he held these opinions, he thought to speak little about the conquest of Canada might be most proper—let actions be in place of words.

That two proclamations recommending days of prayer and thanksgiving had been issued, and the prayers offered up on these days did not appear to have had the desired effect, has been intimated. Mr. R. observed, this was a subject to be approached with most solemn reverence and low humility—to approach it, was walking on holy ground. He would not dare to scan the course of Divine Providence. He would not presume to enter within the sacred veil of the Eternal, and pronounce whether prayers offered up on those days were or were not about to be answered; believing the Eternal, although he may not immediately give that prayed for, may when he pleases in his providence give it, or some other or better, to the humble, believing petitioners, be they individuals or nations.

A gentleman from New York has openly and candidly said, that, in his opinion, the war is wrong, and therefore he cannot vote for any measure to support the war. That declaration is fair and honorable, and brings the point to issue—namely, that the war is either right or wrong on the part of the United States, or on the part of Great Britain.

The object of the gentlemen who compose the majority in this House appears to be to prove, in this debate, that the war in which the United States are engaged is a just war on their part, and for a good and righteous cause. The object of the gentlemen who compose the minority appears to be to prove that the war is unjust on the part of the United States, and for a bad and unrighteous cause. If the gentlemen who argue in support of the war be correct—and in my humble opinion, said Mr. R., they are—the United States are in the right, and Great Britain in the wrong; and, if the gentlemen of the minority, who argue against the war, are correct, Britain is in the right, and the United States are in the wrong. Other deductions may be drawn from the arguments offered on each side, respectively, but are omitted.

To enter upon a justification of the war does not, at this time, appear necessary; for, if what has been said, written, and done, be insufficient to prove the war to be just and righteous on the part of the United States, and unjust on the part of Great Britain; and be insufficient to convince all opposers that they hold incorrect opinions relative thereto—there cannot be any hope that what has been or may be said in this debate will convince them that the war is just on the part of the United States, or that they hold incorrect opinions relative thereto. And, if all that has been

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said, written, and done, to prove the war unjust on the part of the United States, and just on the part of Great Britain, be insufficient to convince them who believe the war to be just on the part of the United States, and unjust on the part of Great Britain, that they hold incorrect opinions relative thereto—for what good purpose is this debate? It is not in the power of reason or argument, said Mr. R., to convince me that the war is unjust on the part of the United States, and just on the part of Great Britain. I do as firmly believe the war to be just, and for good and righteous cause, on the part of the United States, and unjust on the part of Great Britain, as I do believe in my own existence. Believing that the gentlemen in the Opposition are as tenacious of their opinions—namely, that the war is unjust on the part of the United States—I am willing that they do retain them, and the more especially as they have so long persevered in those opinions, notwithstanding all that has been said, written, and done, to manifest that the war on the part of the United States is just, and for good cause.

The majority in this House are responsible to the people of this nation for the war, and for every measure adopted to support the war; and the minority are responsible to the people of this nation for their opposition to the war, and to every measure to carry on the war. Let then this nation be the judge.

This nation has already been in judgment on this question, and a great majority of the people have decided that the war is just, and for good cause, on the part of the United States. Elections for members of Congress have been since the declaration of war; these elections, and the actual majorities now existing in each House of Congress, prove that the people of this nation have decided that the war is just on their part. The people of this nation have also since the declaration of war elected, by a great majority, a President of the United States; that is, they have re-elected the President of the United States, the same virtuous citizen who was President of the United States at the time the war was declared. All these things the great majority of the people of this nation have done; all that was said, written, or done by the minority to the contrary notwithstanding. The people, then, of this nation, have judged and decided that the war is just on the part of the United States, and of course unjust on the part of Great Britain.

The gentlemen of the Opposition do not appear satisfied with that judgment. Well, then, another judge will be presented to their consideration, and certainly they will agree that the judge alluded to is perfectly impartial, and without prejudice to either Great Britain or the United States. The Emperor of Russia is highly esteemed by the people of the United States; the laity and clergy, of every denomination, highly respect His Majesty for his friendship to the United States. He is the ally of Great Britain in the existing war against France. Gentlemen in the minority have, by words and by actions, testified incontrovertibly the high respect and esteem which they en-

tertain for the Emperor of Russia. He is the judge alluded to. The high rank of the Emperor of Russia among the nations of the earth—the celebrity of his character, and the consideration of his being the ally of Great Britain in a war unexampled, go to encourage an hope that his opinion and judgment relative to the war between the United States and Great Britain will be consented to. His decision ought to be the more attended to, because, being the common friend of Great Britain and the United States of America, his friendship for both induced him to offer himself a mediator to conciliate peace between them. That that friendly offer of mediation was accepted by the President of the United States and was rejected by Great Britain, is true; that acceptance and rejection give a strong and conclusive reason to induce an unqualified assent to the justice of his decision in relation to war. Hear, then, and attend to what Mr. Daschkoff, Envoy Extraordinary and Minister Plenipotentiary of his Imperial Majesty, the Emperor of all the Russias, writes to the Secretary of State of the United States, in his letter dated Washington, 8th March, 1813; the words of the translation are—

“His Majesty, who takes pleasure in doing justice to the wisdom of the Government of the United States of America, is convinced that it has done all that it could do to prevent this rupture.”

By the word “rupture,” is understood the war between the United States of America and Great Britain. Great is the substance expressed in these words of the Emperor of Russia by his Envoy Extraordinary and Minister Plenipotentiary.—“His Majesty takes pleasure in doing justice to the wisdom of the Government of the United States.” This manifests that he had maturely considered all the causes of the war, before he formed his opinion. He ascribes wisdom to the Government of the United States. For what? Because “it has done all that it could do to prevent this rupture.” The Government of the United States has then, in the opinion of the Emperor of all the Russias, done all that it could do to prevent this war; from which the conclusion clearly follows, that the war has been forced on the United States by Great Britain, and is, therefore, unjust on the part of Great Britain, and just on the part of the United States of America.

For this magnanimous decision the Emperor of Russia merits, and let him have, the high esteem of all the people. That decision will confirm in their opinion all the friends of the Government of the United States; what effect it will have with those who oppose the proceedings of the Government, in relation to the war, is left for time to manifest.

If the design of this discussion be to give evidence to the people of the United States of the justice or injustice of the war, that evidence will not be the best evidence the nature of the case is capable of. Mr. R. observed he would suggest a mode whereby the best evidence may be obtained: Let a committee be appointed, whose duty it shall be to make a perfect digest of all correspondence and diplomatic proceedings which, from

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time to time, have been between the United States and Great Britain, and of all the orders in Council, and acts of Parliament, and proclamations of Great Britain, relative to the cause which induced the war; to that digest let the committee add a complete abstract of all the communications of the President of the United States to Congress, and of the proceedings and acts of Congress relative to that correspondence and those diplomatic proceedings, and relative to the war, and to every measure adopted by Congress in maintenance of the war; and to this let there be annexed a compilation of the yeas and nays on every vote on each question taken in both Houses of Congress respectively, on all the various subjects relating to that correspondence and diplomatic proceedings, and to the said orders in Council, acts of Parliament, and proclamations of Great Britain, and relating to the war and to all the measures enacted in maintenance of the war, (all this may easily be done by recourse to the documents in possession of Congress, and to the Journals of both Houses of Congress respectively;) a book will then be made (and let it be published) containing the best evidence to prove the war unjust or just on the part of the United States, and whether they have been or are for the war, and the measures to support the war, or they who have opposed and do oppose the war, and the measures to maintain the war, are right, and acting in maintenance of the sovereignty of this independent nation. Having voted for the war, and for the measures deemed necessary to maintain the war, Mr. R. observed, he was perfectly willing to submit that body of evidence to the people of this nation, and of all nations, thereby to determine the justice of the war on the part of the United States of America.

The great majority of the people have, as has been observed, decided that this war is just on their part. Why, then, with all due respect let it be inquired, is this difference of opinion relative to the war continued? We have no other country but this, and it requires of us the preservation of its rights. If Great Britain, encouraged by our dissensions, shall be able to break down any of the sovereign attributes of the United States, great will be our responsibility. Ruin oftentimes is the effect of division; salvation always is the effect of union. Let us, then, all be united in the prosecution of this just war, and every reason will then be to expect a peace, which will confirm the sovereign rights of the United States of America.

A motion was now made that the Committee rise and report progress. This motion was opposed by Mr. TROUP, on the ground of unnecessary delay, and advocated by Messrs. WARD, of Massachusetts, and GASTON, of North Carolina, from a desire to obtain that opportunity for fully debating the affairs of the nation, which the majority had pledged themselves to afford.

The question to rise was decided in the affirmative, and leave was given to sit again by a close vote—for leave 62, against it 68.

On motion, the House adjourned.

THURSDAY, January 27.

Mr. WEBSTER presented a petition of sundry inhabitants of the town of Portsmouth, in New Hampshire, setting forth that, on the night of the 22d of December last, a great portion of said town was destroyed by fire, and praying that the proceeds of the direct taxes and the internal duties which have been, or may be, collected in said town, may be granted for the relief of the sufferers.—Referred to the Committee of Ways and Means.

On motion of Mr. FORSYTH, the Committee on Commerce and Manufactures were instructed to inquire into the expediency of continuing in force the act declaring the consent of Congress to an act of the Legislature of Georgia, passed on the 12th of December, 1804, establishing the fees of the harbor master and health officer of the ports of Savannah and St. Mary's, with leave to report by bill or otherwise.

On motion of Mr. McLEAN, the Committee of Ways and Means were instructed to inquire whether it be expedient to make provision by law for the appointment of agents, in those States where Commissioners of Loans are not appointed, for the purpose of paying military pensioners, and that they report by bill or otherwise.

On motion of Mr. NELSON,

Resolved, That the committee appointed on the petition of Jasper Anderson be instructed to inquire into the expediency of providing for the officers, soldiers, sailors, and marines, on State establishment, entitled to bounty lands under the engagement of the State of Virginia, made during the Revolutionary war, out of the public lands of the United States, such compensation as may be deemed advisable to make good the State engagements, and that they have leave to report by bill or otherwise.

On motion of Mr. SEYBERT,

Ordered, That Mr. FORSYTH be appointed on the committee appointed on the 20th ultimo, to inquire into the present condition and distribution of the flags, standards, and colors, which have been taken by the forces of the United States from their enemies, in the place of Mr. CHEVES, elected Speaker.

On motion of Mr. ROBERTS, of Pennsylvania,

Resolved, That a committee be appointed to revise the standing rules and orders of proceeding, and report such alterations and amendments as they may think proper and necessary, if, in their opinion, any be required.

A message from the Senate informed the House that the Senate have passed a bill "to authorize the President of the United States to permit the departure of Paul Cuffee from the United States, with a vessel and cargo, to Sierra Leone, in Africa, and to return with a cargo," in which they desire the concurrence of this House.

NEW YORK HOSPITAL.

Mr. ARCHER, from the Committee of Claims, made a report on the petition of the governors of the New York Hospital; which was read, and

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referred to a Committee of the Whole on Monday next. The report is as follows:

The Committee of Claims, to whom was referred the memorial of the governors of the New York Hospital, having had the same, with the accompanying papers, under consideration, respectfully ask leave to report:

That, by an act of Congress, passed on the 16th of July, 1798, a fund was authorized and directed to be raised for the relief of sick and disabled seamen, by a tax of twenty cents per month on their wages, for the whole period of their employment. That by the said act the President was authorized to provide for the temporary relief and maintenance of such seamen as should be sick or disabled, in hospitals or other proper institutions; and the expenditure of money in one district was expressly limited to the sum collected in the same. The President was further empowered to appoint, in the several ports, one or more persons to direct the expenditure of the fund, according to such instructions as should be given. The person appointed for this purpose in the port of New York was the collector of the customs, who, in obedience to instructions, made provision for the support of seamen in the New York Hospital, of which the memorialists are the superintendents, and in the month of November, 1804, limited the number of disabled seamen, for whose maintenance, in said hospital, the United States would hold themselves responsible. During every year since that period the memorialists have received into the hospital a number of seamen exceeding the number allowed by the collector. For the support of these supernumerary seamen the memorialists, as directors of the institution, exhibit a claim of \$11,552 86 against the United States.

Your committee ask leave to subjoin, as a part of their report, a letter addressed to them, upon this subject, by the acting Secretary of the Treasury, from which it appears that, from the year 1804, to the year 1813, inclusive, there was received at the port of New York, for the marine hospital fund, the sum of \$403,944 04; and expended in the same port, from the said fund, in the same period, the sum of \$117,547 29; making the balance expended in New York more than that which was collected, \$13,603 25.

It was difficult for your committee to conceive upon what ground compensation could be claimed by the memorialists for the sum of \$11,552 86, expended by them more than what was allowed by the directors of the marine hospital. It may be said that the fund was made general by the act of 1802, and thereby, as its expenditure was no longer limited to the district in which it was created, an equitable demand arises to remuneration. But when it is recollected that there are many other districts in which a great tonnage (of course many seamen) are employed, the conclusion inevitably results, that the President could not, without a disregard to the interests of other portions of the Union, authorize in one district an expenditure undue in proportion to the demands of others.

The memorialists seem strongly to rely upon the application of this fund to other purposes than that for which it was originally created. A portion of it, it is true, has been appropriated to the building of suitable public hospitals for the reception of seamen. But this appropriation has unquestionably been in furtherance of the general beneficent objects of the original law. If the United States had violated the pledge which, in this instance, they had held out, it would

certainly be a subject of serious complaint on the part of our seamen, but could have furnished no ground for reprehension to any charitable institutions; the more particularly, when all contracts with them had been rigidly fulfilled by the United States.

Upon a review of all the circumstances which can possibly bear on the case, your committee are of opinion that the district of New York has received at least its due proportion of the fund for the support of seamen; and that the governors of the New York Hospital, aware, as they acknowledge themselves to be, of the number of seamen for whose maintenance the Government would hold itself responsible, have no claim, either legal or equitable, for the reception and support of supernumerary seamen.

On the expediency of increasing the marine hospital fund, for which the memorialists pray, your committee do not consider themselves authorized to speak, as the consideration of such a subject would be without the sphere of the duties assigned them by the House. They report the following resolution:

Resolved, That the prayer of the governors of the New York Hospital, so far as the same relates to a compensation for the support of seamen, beyond that which they have already received, ought not to be granted.

—

TREASURY DEPARTMENT, Jan. 18, 1814.

SIR: In answer to your letter of the 15th instant, making certain inquiries relating to the petition of the governors of the New York Hospital, I have the honor to state—

1. That the amount of moneys received into the Treasury, for the relief of sick and disabled seamen, from the year 1804 to the year 1812, including the sum of \$38,513 96, received within that period from the officers and seamen of the Navy of the United States for this purpose, is \$506,536 41; and that, for the year 1813, the accounts are not received at the Treasury, but the amount is estimated to be about \$22,000, making in the whole \$528,536 41, as will appear by the note at foot, marked (a).

2. That it is impossible to state the number of seamen, who, during the period above mentioned, have been supported or relieved from the above fund. Some of the accounts, rendered by the agents, do not specify the number relieved, but only the number under care, without noting the daily receptions and discharges. It is conceived, moreover, that this number, if it could be ascertained, would probably not be very material, when it is considered that a single individual has sometimes been supported out of this fund for years, without intermission; and, frequently, others have required medical attention and relief for a few days only.

3. That the sum received for the above fund, at the port of New York, during the period above mentioned, is \$103,944 04, as will appear by the note at foot, marked (b). The year 1813 is an estimate—the accounts for that year not having been all received.

4. That the number of seamen to whom relief has been afforded in the port of New York, during the above period, is very difficult to ascertain, some individuals having continued to receive relief for several years in succession, some for a few days, and others repeatedly, for various periods, and at various intervals. The particulars of this expenditure have been annually reported to Congress for several years past, by which it appears that the average weekly cost to the United States, of each seaman supported and relieved

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in the New York Hospital, is three dollars and twenty-five cents. By the annexed note, marked (c) it will be seen that the total amount of the expenditures in the city of New York, from 1804 to 1813, inclusive, (the last quarter of the year 1813 being however upon estimate, as the accounts are not yet received,) has been \$117,547 29. This will give an average of sixty-nine seamen constantly receiving relief in that port during the whole of those ten years.

It may not be foreign to the inquiry which the committee is pursuing, to state, that, from the 1st of July, 1802, (when the marine hospital fund, in pursuance of the act of the 3d of May, 1802, became a general one,) to the end of 1803, a period not embraced by your letter, there was received, including the sum unexpended at New York on the 30th of June, 1802, \$26,696 49, and expended only \$20,163 20; and the cost to the United States of the seamen supported and relieved in the New York Hospital is considerably less than in any other regular hospital in the United States.

I have the honor to be, very respectfully, sir, your most obedient servant,

W. JONES,

*Acting Secretary of the Treasury.*Hon. STEVENSON ARCHER, *Chairman, &c.*

(a) Note of moneys received from the marine hospital fund, from the year 1804 to the year 1812, inclusive.

| | | | | | | | |
|------|---|---|---|---|---|----------|----|
| 1804 | - | - | - | - | - | \$58,210 | 98 |
| 1805 | - | - | - | - | - | 58,005 | 98 |
| 1806 | - | - | - | - | - | 66,820 | 01 |
| 1807 | - | - | - | - | - | 61,474 | 47 |
| 1808 | - | - | - | - | - | 36,515 | 44 |
| 1809 | - | - | - | - | - | 35,678 | 46 |
| 1810 | - | - | - | - | - | 54,309 | 31 |
| 1811 | - | - | - | - | - | 54,686 | 34 |
| 1812 | - | - | - | - | - | 42,421 | 46 |

468,022 45

Received from the Navy in 1809 38,513 96

506,536 41

1813 estimated - - - - 22,000 00

528,536 41

(b) Note of moneys received for the marine hospital fund, at the port of New York, from the year 1804 to the year 1813, inclusive.

| | | | | | | | |
|-----------------|---|---|---|---|---|----------|----|
| 1804 | - | - | - | - | - | \$11,312 | 72 |
| 1805 | - | - | - | - | - | 12,571 | 61 |
| 1806 | - | - | - | - | - | 13,985 | 49 |
| 1807 | - | - | - | - | - | 12,769 | 45 |
| 1808 | - | - | - | - | - | 8,449 | 04 |
| 1809 | - | - | - | - | - | 7,561 | 37 |
| 1810 | - | - | - | - | - | 11,799 | 87 |
| 1811 | - | - | - | - | - | 11,260 | 67 |
| 1812 | - | - | - | - | - | 8,632 | 82 |
| 1813 (estimate) | - | - | - | - | - | 5,600 | 00 |

103,944 04

(c) Note of the amount expended, at New York, for the relief of sick and disabled seamen, from the year 1804 to the year 1813, inclusive. (The fourth quarter of the year 1813 is on estimate.)

| | | | | | | | |
|------|---|---|---|---|---|----------|----|
| 1804 | - | - | - | - | - | \$14,219 | 96 |
| 1805 | - | - | - | - | - | 12,666 | 98 |

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| | | | | | | | |
|------|---|---|---|---|---|--------|----|
| 1806 | - | - | - | - | - | 12,155 | 67 |
| 1807 | - | - | - | - | - | 11,514 | 79 |
| 1808 | - | - | - | - | - | 12,567 | 97 |
| 1809 | - | - | - | - | - | 10,907 | 61 |
| 1810 | - | - | - | - | - | 10,733 | 03 |
| 1811 | - | - | - | - | - | 11,861 | 64 |
| 1812 | - | - | - | - | - | 11,091 | 69 |
| 1813 | - | - | - | - | - | 9,827 | 95 |

117,547 29

PRIVILEGE OF MEMBERS.

Mr. KING, of Massachusetts, addressed the Chair as follows:

Mr. Speaker, I intimated to the House a few days since, an intention of moving an addition to their rules and orders, on the subject of original resolutions and motions, offered for their consideration. I now rise to carry that intention, as far as it depends on me, into effect. My object is twofold—1st, to fix a convenient time for the introduction of such resolutions; and 2dly, to determine the manner in which they ought to be disposed of, after being introduced. The effect of the first will be to facilitate the business of the House, to afford to every member a fair and equal opportunity of bringing forward his business, and to prevent those frequent competitions for priority on the floor, which are extremely unpleasant to the feelings of every gentleman.

I am induced, at this time, to move the second branch of the subject, from what took place in this House on the 14th instant, relating to the same resolutions, which I then offered, respecting the State right to a free State coasting trade, and which the majority refused to consider. After that decision, sir, I attentively looked over our Constitution, our laws, and the rules and orders of this House, for some authority to warrant it; but could find none. And I now boldly affirm, there is no authority. It is in vain to talk about practice and precedent, when that practice and that precedent run counter to justice and right. Nor will I ever inquire by whom such practice and precedent may have been introduced. Neither time, nor names, nor authority, have any weight with me, against the paramount claims of equal rights and impartial justice.

Sir, I never can for a moment concede, that it depends upon the will and pleasure of this, or any other majority of this House, whether the people of these United States, by their Representatives, shall, or not, be heard upon this floor. That right, let me tell this majority, sir, is too important to be held by a tenure so base. I speak in the language of the law. For base indeed must that tenure be, which is held at the pleasure of any man or body of men. With the power which this majority now possesses, by a rule of this House, to stop all debate, when not agreeable to them, by moving the previous question (and which we find they are ready enough to abuse) grant them this power, of preventing the introduction of any subject or business, not suitable to their party views and feelings, there will then be an end to every thing like equal rights and free-

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dom of debate. Still this monstrous doctrine is contended for by gentlemen, who, before they made this majority, talked so much about freedom and equality of rights; and who do now affect to consider this Hall as the very Temple of Liberty: in which we do indeed preserve a few of its emblems, (pointing to them) while the substance, I fear, has for a long time been turned out of doors. And if this slavish doctrine prevail, I shall even expect to see you inanimate Goddess of your Temple, with the scroll of the Constitution in her hand, leap from her pedestal, and with her attendant Eagle, wing her way to more free and happy regions.

Mr. KING then offered the following resolutions:

1. *Resolved*, That the Representatives of the people in Congress assembled cannot, consistently with the provisions of the Constitution and the nature of our Government, refuse to consider any resolution offered by any one of said Representatives: Therefore,

2. *Resolved*, That the refusal, by the majority in this House, to consider the resolutions offered by one of the Representatives of the people of Massachusetts, on Friday, the 14th of January, 1814, asserting the right of the people and of the respective States to a free State coasting trade, interdicted by an act of Congress, was an infringement of the right of the Representative, and of the privilege of a member of this House to be heard on this floor in behalf of his fellow-citizens, and an injury to the people; And therefore,

3. *Resolved*, That the decision of the majority of this House, not to consider the resolutions before named, offered by a member on Friday, the 14th instant, on the subject of the State coasting trade, be, and the same is hereby, rescinded.

And, to provide against such abuse in future,

4. *Resolved*, That the following be added to the rules and orders of this House, to wit:

"That every original motion or resolution, in writing, by any member, (the nature, reason, and object of it, being first stated by him, if he sees fit,) shall be immediately received by the Clerk, and read, and thereupon be before the House for consideration, to be disposed of as the House may judge right; and such resolutions and motions shall be in order, and be called for by the Speaker immediately after the reports from select committees; and if any question of priority arise, it shall be decided in the order of States, as in the case of petitions."

A question having been raised, whether these resolves did not come under the rule which requires propositions to amend the rules of the House to lie on the table one day before taken up,

The SPEAKER decided that the three first resolutions were not of that character.

The yeas and nays having been called on the consideration of these resolutions—

Mr. CULPEPER, of North Carolina, called for a division of the question, so as to take it first on the first resolve. He said he would vote for considering the first, but he could not vote for considering the others.

The question on proceeding to consider the first resolve was decided in the negative by yeas and nays.—For consideration 43, against it 92, as follows:

YEAS—Messrs. Baylies of Massachusetts, Bayly of

Virginia, Boyd, Breckenridge, Cilley, Culpeper, Davis of Massachusetts, Ely, Gaston, Goldsborough, Hawes, Hopkins of New York, Howell, Huffy, Hungerford, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Law, Lewis, Macon, Markell, Miller, Moseley, Pearson, Pickering, John Reed, Ridgely, Ruggles, Schureman, Sheffey, Sherwood, Shipherd, Stanford, Sturges, Taggart, Tallmadge, Thompson, Vose, Ward of Massachusetts, Wheaton, Wilcox, and Wilson of Massachusetts.

NAYS—Messrs. Alexander, Alston, Anderson, Archer, Avery, Bard, Barnett, Beall, Bowen, Brown, Burwell, Butler, Caldwell, Calhoun, Chappell, Clark, Clopton, Comstock, Conard, Cox, Crawford, Creighton, Crouch, Davis of Pennsylvania, Denoyelles, Desha, Eppes, Findley, Fisk of Vermont, Fisk of New York, Forney, Forsyth, Franklin, Gholson, Glasgow, Griffin, Grosvenor, Grundy, Hall, Harris, Hasbrouck, Hubbard, Humphreys, Ingham, Irvin, Irwin, Jackson of Virginia, Johnson of Virginia, Kennedy, Kent of Maryland, Kerr, Kershaw, Kilbourn, Lefferts, Lovett, Lowndes, Lyle, McCoy, McKim, McLean, Moore, Murfree, Nelson, Ormsby, Pickens, Pleasants, Post, Rea of Pennsylvania, Rhea of Tennessee, Rich, Richardson, Roane, Roberts, Robertson, Sage, Sevier, Seybert, Skinner, Smith of New York, Smith of Pennsylvania, Strong, Tannehill, Taylor, Telfair, Troup, Udree, Ward of New Jersey, White, Wilson of Pennsylvania, Winter, Wood, and Yancey.

The SPEAKER having stated the question on the second and third resolves—

Mr. MURFREE, of North Carolina, inquired, whether the Speaker was required, by the rules or practice of the House, to put the question of consideration on every motion, no matter how preposterous, that should be proposed. Was such a motion as these resolves embraced in order?

The SPEAKER replied that, however he might regret the matter and language of this motion, there was no discretion reposed in him as to the propriety of putting the question on it. The motion was therefore in order.

Mr. GASTON, of North Carolina, required a division of this question; and the question was accordingly taken on the consideration of the second resolution, and decided in the negative.—For consideration 17, against it 115, as follows:

YEAS—Messrs. Baylies of Massachusetts, Bigelow, Boyd, Hopkins of New York, Howell, Kent of New York, King of Massachusetts, Macon, Moffitt, Pickering, Schureman, Sherwood, Stanford, Sturges, Thompson, Vose, and Wilson of Massachusetts.

NAYS—Messrs. Alexander, Alston, Anderson, Archer, Avery, Bard, Barnett, Bayly of Virginia, Beall, Bowen, Breckenridge, Brigham, Brown, Burwell, Butler, Caperton, Caldwell, Calhoun, Chappell, Clark, Clopton, Comstock, Condict, Conard, Cox, Crawford, Creighton, Crouch, Culpeper, Davis of Pennsylvania, Denoyelles, Desha, Eppes, Findley, Fisk of Vermont, Fisk of New York, Forney, Forsyth, Franklin, Gaston, Geddes, Gholson, Glasgow, Goldsborough, Griffin, Grosvenor, Grundy, Hall, Harris, Hasbrouck, Hawes, Hubbard, Humphreys, Hungerford, Ingham, Irving, Irwin, Jackson of Rhode Island, Jackson of Virginia, Johnson of Virginia, Kennedy, Kent of Maryland, Kerr, Kershaw, Kilbourn, Law, Lefferts, Lovett, Lowndes, Lyle, McCoy, McKim, McLean, Miller,

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Montgomery, Moore, Moseley, Murfree, Nelson, Ormsby, Pickens, Pleasants, Post, Potter, Rea of Pennsylvania, Rhea of Tennessee, Rich, Richardson, Roane, Roberts, Robertson, Ruggles, Sage, Sevier, Seybert, Shelley, Shipherd, Skinner, Smith of New York, Smith of Pennsylvania, Strong, Tallmadge, Tannehill, Taylor, Telfair, Troup, Udree, Ward of New Jersey, Wheaton, White, Wilcox, Wilsoñ of Pennsylvania, Winter, Wood, and Yancey.

The question was then taken on the consideration of the third resolution, and decided in the negative.—For consideration 21, against it 102, as follows:

YEAS—Messrs. Baylies of Massachusetts, Boyd, Goldsborough, Grosvenor, Hale, Hopkins of New York, Kent of New York, King of Massachusetts, Lewis, Lovett, Macon, Miller, Moffitt, Pickering, Sherwood, Shipherd, Smith of New York, Stanford, Thompson, Wilcox, and Wilson of Massachusetts.

NAYS—Messrs. Alexander, Alston, Anderson, Archer, Avery, Bard, Barnett, Beall, Bowen, Breckenridge, Brown, Burwell, Butler, Caperton, Caldwell, Calhoun, Clark, Clopton, Comstock, Condict, Conard, Crawford, Creighton, Crouch, Culpeper, Davis of Pennsylvania, Denoyelles, Desha, Eppes, Findley, Fisk of Vermont, Fisk of New York, Forney, Forsyth, Franklin, Gaston, Gholson, Glasgow, Griffin, Grundy, Hall, Harris, Hasbrouck, Hawes, Hubbard, Humphreys, Hungerford, Ingham, Irving, Irwin, Jackson of Rhode Island, Jackson of Virginia, Johnson of Virginia, Kennedy, Kent of Maryland, Kerr, Kershaw, Kilbourn, King of North Carolina, Lesters, Lowndes, Lyle, McCoy, McKim, McLean, Montgomery, Moore, Nelson, Ormsby, Parker, Pickens, Pleasants, Post, Potter, Rea of Pennsylvania, Rhea of Tennessee, Rich, Richardson, Roane, Roberts, Robertson, Ruggles, Sage, Sevier, Seybert, Shelley, Skinner, Smith of Pennsylvania, Strong, Sturges, Tallmadge, Tannehill, Taylor, Telfair, Troup, Udree, Ward of New Jersey, White, Wilson of Pennsylvania, Winter, Wood, and Yancey.

So the House resolved that it would not now consider either of the three first resolutions offered by Mr. KING. The other lies on the table for one day, according to a rule of the House.

ADDITIONAL RIFLE CORPS.

On motion of Mr. TROUP, of Georgia, the House resolved itself into a Committee of the Whole, on the bill to raise three regiments of riflemen.

Mr. FISK, of New York, addressed the Chair as follows:

Mr. Chairman, the bill before you is for raising three regiments of riflemen, a species of force the most efficient and least expensive of any that can be employed in the service. No objections can be urged against this bill, but such as are advanced generally against the war; and of this sort of opposition we have had much.

In the discussion of this bill, gentlemen who daily remind us of their patriotism, by declaring their opposition to the war, and all the measures necessary to carry it on, have indulged themselves in a greater latitude of debate than was ever before assumed in any deliberative assembly. They have brought into view again and again, the al-

leged causes of the war, and have denounced them singly, and in the aggregate, as insufficient and unjust. They have seemed to enjoy peculiar satisfaction in magnifying the disasters of our arms, and in swelling the account of our misfortunes. Indeed, they have contended, that nothing but blunders, reverse, and defeat, have attended all our military operations.

Epithets the most harsh ever introduced into the vocabulary of parliamentary recrimination, have been unsparingly applied to every public functionary of the Government. Not satisfied with this extent, the Opposition have gone further, and told us that their Constitutional rights authorize, and their public duty requires them not only thus to speak in this House, but to conform their conduct out of the House accordingly—to discourage the public service, dissuade citizens from loaning money, and from aiding the Government in its legitimate operations.

Sir, novel and extraordinary as these doctrines certainly are, and although advanced with all the apparent warmth and zeal which a conviction of their soundness might inspire, yet have the majority of this House, like martyrs, preserved an almost unbroken silence. They have been doomed to sit day after day, and week after week, and hear themselves, their Government, its measures, and the people, reproached and censured, not only by irony and sarcasms, but in direct charges of imbecility and incapacity. All this has been not only silently, but patiently borne, not because the majority are destitute of the feelings of men, unconscious of what is due to themselves, or ignorant of what belongs of right to the minority. No, sir. It was a persevering determination to forward the public business, that induced the majority to forbear protracting time by debate. It is not because the assertions and statements made by the minority are deemed correct, that they have not been met and answered; but because the majority have been unwilling to procrastinate the passage of bills which the safety of the nation required to be enacted with the least possible delay. This was my determination, and I should have persevered in silence, had not my honorable colleagues, (Mr. GROSVENOR and Mr. SHIPHERD,) in the course of their remarks, made an incorrect statement of some recent occurrences in the State which I have the honor to attempt to aid in representing. These remarks related to the late election of the Governor of that State, and the conduct of its militia on the lines.

And, Mr. Chairman, permit me to congratulate you and the Committee on the prospect of an approaching termination of this debate—which, after ranging through the different parts of Europe, and passing over the map of the United States, seems at last to be limited to the State of New York. I should have permitted it here to rest, had it not been insisted that the State of New York has become a convert to the strange doctrines we have heard advanced; that she too had embraced this new system of morality, which justifies and inculcates opposition to the General Government. We were assured by my honora-

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ble colleague, (Mr. GROSVENOR,) that the late election for Governor in that State was not to be taken as evidence of a disposition in her citizens to support the war, because that election was fraudulent; and he adverted to a bet which had been made on the event, touching the validity of which there had been a suit at law, and evidence offered to prove that unqualified votes were given, and therefore the bet was not lost—that the supreme court of that State had decided that the bet, although made on the event of that election, could not be sustained.

I cannot say what evidence the counsel might have pretended at the trial on the issue, as an apology for the action, but the case was argued in the supreme court in my hearing, and fraud in the election was not to my knowledge pretended. The suit was against a stakeholder, who had paid over to the winner the money, contrary to the orders of the loser, after the result of the election was well understood. On the part of the loser, it was contended that he had the right to withdraw the bet, and forbid the stakeholder to pay it over at any time before it was paid over, even after the event was known upon which the wager had been made; and that the policy of the law prohibiting bets on the result of elections had established the rule. On the part of the winner it was contended, that the money being paid over, and after the event was known, it could not be recovered back. Neither party denied that the law was decidedly settled against all betting on the event of elections. If the supreme court have decided in favor of the loser, and permitted him to recover back the money, it must have been upon the principle, that the rule of law would not sanction the wager—not that the evidence in the case had disclosed any fraud in the election. I regret that this case has been introduced into this debate, in a manner that should have required this explanation—for cases of this nature do not belong to any debates here.

There was a majority of about four thousand freehold votes in favor of the person who now fills the Executive chair of that State. This is a fact material to prove the feelings of the voters at that time. The question, whether he was for war and the support of the General Government or not, was put directly to and answered by every voter in that election. Two of the senators elected at the same time, in the great Western district, were officers who had been in active service, supporting the war, one of them in the action at Queenstown and wounded there. The issue was fairly joined between the two parties in that State whether the war and measures of the General Government to conduct its operations with vigor and success should be zealously supported or not. And there was one general expression of all the freeholders of that State directly upon this point, very decidedly in the affirmative; and the recent election in the city of New York does not furnish evidence of a change of public sentiment. Surely my honorable colleague will not rely on those elections to prove that New York is opposed to the war.

But, he has inquired with an air of triumph, how many of the New Yorkers have gone to the war, have been to Canada; and, passing through several counties, he has fixed upon the district which has honored me with a seat here, and inquired how many the county of Orange has sent to the war? I will tell him: nearly fifteen hundred men has Orange county sent to the war; four companies in the regular service, and the greater part of a volunteer regiment, which has served twelve months with credit; besides a portion of her militia. Had every county and district in the United States stepped forth with equal alacrity and patriotism, we should not now be devising means to fill the ranks and raise an army; we should have had a force at once sufficient to have overrun the enemy's provinces in a single campaign; saved thousands of lives and millions of money; have acquired glory for our arms and honor and safety for our country. And why has not this spirit been general? It was equally the duty of all. In Orange county it was common to all parties. The Federalists there could and did discriminate between their attachment to party, and their duty to the country. They united in furnishing their proportion of the men and means to organize them.

Will my honorable colleague permit me to reciprocate with him the inquiry he has made, and ask how many men the county of Columbia, or Dutchess, or Rensselaer, have sent to the war? These are denominated Federal counties. Was it not in this part of the State that the gentleman from Rhode Island (Mr. PORTER) witnessed such "consternation" among the citizens called into service? Was it not here he saw them retreating and escaping to the quiet towns of New England, instead of rallying under the standard of their country when required to support it?

The New York militia, although charged with cowardice by one of their own representatives, require no other defence than to have their feelings and conduct correctly stated.

An honorable colleague, (Mr. SHEPHERD,) in the ardor of debate, made a charge, which I am sure in the cooler moments of reflection his judgment must disapprove as unmerited and unjust. I understood him to say that the New York militia had gone to the lines, and like cowards had turned their backs to the enemy and returned. Allow me to avail myself of this occasion to defend the militia against the charge of refusing to cross the lines into the enemy's provinces. This charge is unmerited and unfounded. The militia never have refused obedience to any military order to cross the lines. Some of these militia are my neighbors, many of them my acquaintances, and all of them men who would not shrink from the performance of any duty the service of their country might require. They never have pretended that their duty was limited by the geographical lines of the United States. Their intelligence and patriotism elevates them above this refined, absurd, discriminating boundary. Where is it pretended that the militia have disgraced themselves by refusing to cross the line

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to meet the enemy? At Queenstown, Black Rock, or Chateaugay? At Queenstown, the commanding officer in his official report declared that the impatience of the troops rendered it necessary for him to cross at the time he undertook the enterprise against Queenstown. I do not pretend to state the words of his report, but it urged the anxiety of his troops to engage the enemy as the reason for the attack he then made. These troops were militia. No objection was made to crossing in the morning, but when the greater part of their boats were shot to pieces by the enemy's batteries, some did decline getting into the remaining boats, and thus the militia are charged with refusing to cross the river, when there were not provided adequate means to carry them over. It never has been pretended that if boats sufficient had been collected, as they might have been, but that the whole detachment of militia would have readily crossed at the commencement of the enterprise. The commanding General is a gentleman of great worth and respectability of character; it is not my intention to charge the failure of the expedition wholly to him. It was to him a new, untried scene. He was disappointed and mortified at the event, which he had not foreseen and fully provided against. The means to have insured success were, it is believed, at the commencement of the enterprise, within his power. At Black Rock the militia did not refuse to cross; they were anxious to cross over and meet the enemy then in sight, their commanding General refused to lead them over. When the enemy's batteries had been silenced by a small detachment under those intrepid officers King and Børstler, General Smyth could not even then permit the militia to cross over, capture the enemy, and silence his *bugle*, which continued to sound and possibly annoy, after his batteries were silenced. The troops solicited and importuned their commander to fulfil his proclaimed promise, and lead them to the enemy. But he, at the moment they believed their wishes were to be gratified, disappeared! Was suddenly missing from camp! At this strange conduct in their General, at this cruel disappointment, there was one common feeling of indignation manifested by the militia. Both the New York and Pennsylvania militia requested their Colonels to take the command, and lead them to action. And when they found that these officers declined assuming the command, the militia resented with indignant murmurs the conduct of their General, some of them broke in pieces the arms they could not be permitted to measure with the enemy. These troops could not have met the enemy, unless they had gone without a commander. And yet are they charged with refusing to do their duty!

How was it with the militia who were called out to the lines from New York last Fall? They did not refuse to cross. They were never ordered to cross the lines. After marching and countermarching for several weeks in Chataque woods, the very military question was proposed to them: whether they would go with the regu-

lar army or go home? To men who had this plan of the campaign submitted to their judgment and determination, to say whether they might not as well be at home as marching to and fro through the woods, without any known or ostensible object, it was as natural as correct for them to say, that their better judgment dictated to them rather to go home than remain in a service so apparently unmeaning and useless. But had they been ordered to accompany the regular army, these militia would not have disgraced themselves or their country by disobeying the order. It is doing great injustice to the character of the militia to charge them with Constitutional scruples they never have felt, and never will feel: to allege that they have refused to cross from the United States into Canada. So far from this allegation being correct, precisely the reverse is the fact. Whenever they have approached the lines on military duty, the militia have been willing and anxious to cross.

Having made this statement, due to the character of the militia, I will briefly notice the system of morality my colleague (Mr. SHIPHERD) embraces and inculcates. It is not my purpose to examine the courses or the events of the war, in answer to him; but the new system of ethics he has discovered deserves some attention. He is opposed to the war because it is immoral, and his morality and religion make it his duty to oppose it by his speeches and his votes in his place in this House, and out of the House; to advise opposition to all the measures which may tend to aid the successful operation of the war; to discourage the recruiting service; dissuade from loaning money, and endeavor to prevent the success of the Government! His Constitutional rights, he informs us, authorize him to practise this morality! By this rule a man is justified in violating, in disregarding, his promise; in setting at defiance all those principles of morality and of Christianity, which civilized and Christian people have held sacred and immutable. It is substituting might for right, confounding the meaning of language, and the principles of human action. It means, that a citizen may exercise his physical, moral, and political powers in doing all the mischief he can accomplish. Because he has power to revile his Government, to speak evil of the constituted authorities, to disregard his moral and civil duties and obligations, therefore he has the right to do so. Parents may set an evil example of profligate conduct before their children, and children be ungrateful and disobedient to their parents, because they possess the power to practise this morality. Caius Toranius, who betrayed his father into the hands of assassins, who took his life, acted right, according to this doctrine, for he had the power to deliver his father into the ruffian hands that destroyed him. It is monstrous that such arguments should be seriously urged in this age, and in this House! Does my honorable colleague find anything in the religion he professes to justify him? If so, it cannot be the Christian religion; for this enjoins on its disciples obedience

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and respect to the constituted authorities. Give "unto Cæsar the things which are Cæsar's," was the maxim inculcated by the great head of the Christian church. And one of his most eminent and intelligent disciples has told us that "he that resists the power resists the ordinance of God," and also, "that they who resist shall receive unto themselves damnation." But it is not less the dictate of common sense than of religion to respect and obey the civil laws and authorities. What are they but the will of a majority of the people? In all sorts of societies, from their origin to the present day, the majority must prevail and rule. The minority have rights, but not the right to be shielded from all responsibility. The majority are certainly responsible for the laws they enact; they are the acts passed by the majority, but they are nevertheless the laws of the land, and as such to be respected and obeyed. As well might culprits pretend they are not criminal because they are not stronger than the law, or sinners contend that they are not accountable beings, because they cannot change the moral world, as the minority to claim exemption from any of the duties or obligations which as citizens they owe to themselves, their Government, and their country. It was not my intention to have occupied so much of the time of the Committee. I rose merely to reply to some statements of my honorable colleagues which I deemed incorrect. On one other topic upon which they have incidentally touched, I will add a single remark. Subserviency to the views of a foreign Government has been hinted as forming one of the inducements for the war.

After Mr. Foster, the late British Minister to this Government, returned to his country and took his seat in Parliament, in a debate touching American affairs, a member appealed to him for his opinion whether the war had been declared through Executive subserviency to the views of France? He rose and stated in answer, that this war, instead of being urged by the Executive, had been declared in obedience to the will of a majority of the most popular branch of the American Legislature. The enemy himself does not pretend that foreign influence sways American councils.

And however we may debate the question, the fact is incontrovertible, that a very decided majority of the American people are for prosecuting the war with vigor, until a safe and honorable peace can be obtained. It is emphatically the people's war, and I rely on their intelligence and patriotism for its successful prosecution and honorable termination.

MR. ALEXANDER.—Mr. Chairman, without preparation or apology, may I be permitted to detain this Committee a few moments on this so much hackneyed subject—the war? Sir, I shall not attempt to detail the causes of this war, as they have been so repeatedly given by gentlemen of eloquence and experience on this floor. Let it be sufficient for me to compress, in a very few words, the substance of those causes, and then to ex-

amine whether they are sufficient to authorize the struggle in which this nation is now engaged. Sir, for what are we contending? For nothing less than the restoration of violated liberty, and the preservation of the remaining rights of freedom. If there are not causes sufficient to justify this war, there are no motives sufficiently honorable to stimulate man to action.

Sir, does the idea exist that war can be carried on without the shedding of blood and the expending of treasure? Indeed, some arguments which I have heard on this floor would seem to justify that conclusion, but I am not yet convinced of its correctness. That disaster and defeat have in some instances been the fate of our arms, is not denied; and, though it afflicts and wounds my feelings, it has never yet conquered my disposition to prosecute with all my powers the contest in which we are now engaged. This House was very politely informed the other day, by the gentleman from Rhode Island, of the cause which produced this disaster and defeat; and, in that information, the gentleman very ingeniously excused the minority in this House from all censure and blame, and charged it on the majority. He said it was their divisions among themselves which distracted all their measures and defeated all their plans. When I first heard the expressions fall from the gentleman, I acknowledge, sir, I felt the pungency of his sarcastic wit, and in some degree the truth of his remarks. But, on a more deliberate reflection, I find that I was wrong. For, sir, when many men have to form one mind in order to effect a legislative object, it affords much stronger evidence of an impartial, honest, and virtuous mind, to see some difference of opinion exercised amongst eighty or ninety men, as to the manner of effecting that object, than to see fifty or sixty gentlemen universally of the same opinion on all questions, whether important or unimportant. But, sir, I entertain no fears for this majority. They will march on, with all their divisions and distractions, with honor to themselves and to their country, without the aid of this harmless minority. Sir, while I tender my humble thanks to the gentleman from Rhode Island for his friendly admonition, permit me to declare to this House, that I shall never attempt to discourage an honest difference of opinion among honest men.

Sir, perhaps there never was a time when submission would be more detestable than the present. Turn your eyes to bleeding Europe; there, sir, you will see a continent literally swimming in blood, while its tented fields are smoking in human carnage—a scene so awfully terrible would torture the imagination of a stoic, in his cold calculation of human misery and distress. Thus furnished with the example of a troubled Continent, set in motion (no man ever doubted) by the instrumentality of England alone, is it not then important, sir, that this nation, as one family, should unite in repelling the toils and avoiding the shackles of this unfeeling and cold hearted tyrant? It is of the highest necessity, sir, not that we should strike her flag, but that we should

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propel her armies in battle in the field. Sir, this nation has taken a conspicuous stand among the nations of the earth; and to strike her flag, without an effectual struggle, would be worse than death. Gentlemen in the minority tell the majority to convince them of the justice of this war, and then they will join the majority. Sir, I believe that all are convinced who wish to be convinced, and that something much stronger than argument must effect the balance; for, convince a man against his will, he will remain of the same opinion still.

Mr. MILLER rose and addressed the Chair as follows:

Mr. Chairman, I am not unmindful that the bill before you proposes to raise three additional regiments of riflemen. It is not, however, my intention to discuss the merits of that bill. My honorable colleague (Mr. TAYLOR) has seen proper to wander from the subject before you, and has turned the debate from the rifle regiments to the question of the popularity of the war in the State of New York. I might, perhaps, sir, have troubled your Committee with a few remarks on that subject, had not my honorable friends (Mr. GROSVENOR and Mr. SHIPHERD) so completely exhausted it.

I rise, sir, for another purpose; and will state it distinctly, to the end that, if I am not in order, the Chair will have the goodness to set me right. My honorable colleague, (Mr. TAYLOR,) indulging in a most extensive range, has alluded to the memorable battle of Queenstown, and has spoken of Major General Van Rensselaer, and Colonel Solomon Van Rensselaer, in a manner, which, if not disrespectful, yet certainly is not calculated to do justice to their exalted worth. My sole design (I state it distinctly) is to rescue these gentlemen from imputations, which I think are unmerited. If not out of order, in the opinion of the Chair, I will proceed.

Major General Van Rensselaer, by the extreme liberality of my honorable colleague, is admitted to be "amiable, hospitable, and charitable." It is true that he is so. His amiable qualities are admitted by all who have the pleasure of his acquaintance; his hospitality is proverbial; in common with my honorable colleague I have shared it. And it is no less true that he is charitable. His ear was never deaf to the supplications of want; his heart was never steeled to the cries of the distressed; his hand is "open as day to melting charity." Were it necessary I could point to a numerous train of dependants, fed and supported by his munificence. I could speak of his liberal contributions for charitable purposes. Sir, this nation cannot boast a man more modest, more liberal, more delicate, or more humane. He "forces his bounty into the reluctant hand, and spares the blushes of ingenuous shame." If to feed the hungry, to clothe the naked, and comfort the distressed, be a proper occupation of time, his pillow need never be disturbed by the reflection that he "has lost a day."

But can my honorable colleague be ignorant, or did it not suit his purposes to speak of the pub-

lic spirit, the important services, and the undoubted patriotism of this distinguished citizen? His public spirit is well known and appreciated in the State which I have the honor in part to represent. His services are not few in number, or unimportant in character. He has, at different times, been a member of each branch of the Legislature, and, for three years, was Lieutenant Governor of the State of New York. I ask my honorable colleague which of these important stations he failed to fill with honor to himself and usefulness to his country?

My honorable colleague forgot to speak of the public spirit and important services of General Van Rensselaer. Nor would his haste allow him to admit that he was patriotic. Sir, the patriotism of this gentleman stands on no scanty basis. I could safely appeal to the whole tenor of his life, but need not go beyond the affair of Queenstown to prove it. We have of late heard much of *moral treason*. Permit me, sir, to ask you, if there is not in this nation something like *moral patriotism* as well as *moral treason*? Moral treason, as I now understand it, relates not to any members of this House; not to the fair exercise of the liberty of speech and the freedom of the press; but to an improper, violent, systematic, out-door opposition to the measures of Administration, by which loans and enlistments are retarded or defeated. So, too, moral patriotism relates not to any members of this House; not to any actual subscriptions to loans, or personal services performed by the moral patriot himself, but to a violent and systematic out-door blustering and vamping in favor of the measures of the Administration, by which loans and enlistments may be expedited or effected. A moral traitor is not guilty of any crime known to the laws; nor is a moral patriot to be considered as possessing any virtue except that which consists in words or professions. I ask again, sir, if there are not in this nation moral patriots as well as moral traitors?

Permit me to say that such is not the patriotism of General Van Rensselaer. He was opposed to this ruinous and disastrous war. He was a Major General of the State. A proposition (whether insidious or not, I will not stop to examine) was made to him to go to the frontier. He did not hesitate; he agreed to go; he received his orders. It then became his duty, and he was never known to shrink from that. He reported himself as ready to proceed to his command; the order for his departure arrives; he leaves his family, his friends, and his fireside, and hastens to the camp, accompanied by the benedictions of thousands, who knew his worth and offered their fervent aspirations for his safety and return. Sir, the patriotism of General Van Rensselaer was of no ordinary stamp. Possessed of a fortune more ample than has fallen to the lot of any individual of the State in which he lives; domestic in his habits; tenderly attached to his family, and almost adored by it; surrounded by a numerous circle of friends, of which he was himself the centre and the pride; such was his

enviable situation; these were his comforts; but he quit them all to serve his country. There is in conduct like this an elevation of soul, a sublimity of patriotism, which reflects the proudest honor on the individual, and is not a little creditable to that State which fondly acknowledges him as one of its brightest ornaments.

Could not my honorable colleague, in the abundance of his magnanimity, have admitted that General Van Rensselaer had performed some public services? Could he not have accorded to him some little claim to be considered patriotic? He did not.

As to the battle of Queenstown, I think my honorable colleague has not done justice to General Van Rensselaer. He was a Major General of the State of New York. He went there, not to conquer Canada, but to defend the frontier. The militia, from the nature of their service, were not bound to cross the line; they did, however, volunteer for the battle of Queenstown. The result of that affair is known. The cause of the disaster has been traced by my honorable friends (Messrs. GROSVENOR and SHIPHERD) to its true source. The troops who had volunteered refused to move an inch. I know there were some who did not volunteer; they were not bound to go. But I do not hesitate to say, that such as did volunteer, and afterwards refused to cross the Niagara, were lost to every generous and manly feeling, guilty of a shameful desertion of the standard of their country, and a cruel and cowardly abandonment of their commander in the hour of danger.

Let not my honorable colleague endeavor to cast the blame of that disaster on General Van Rensselaer; it is unmerited. Military gentlemen who were in the action have said, and will tell you, that his conduct on that occasion will stand the test of military criticism. One other fact: in the remarks which I have had the honor to submit to the House, the other day, I had occasion to say, that if the attack on Fort George had been planned with skill and executed with vigor, the garrison would not have escaped. It is due to the military talent of General Van Rensselaer to say, (I speak from information entitled to credit,) that when he was on the Niagara frontier, he planned an attack on Fort George; that this plan was in possession of General Dearborn at the time he took Fort George; and if this plan had been pursued, not only the fort, but the men also, would have been taken.

I come now to speak of Colonel Solomon Van Rensselaer. My honorable colleague (Mr. TAYLOR) in alluding to him, has been pleased to say that he was "intrepid." Courage, sir, I believe, is a very common quality with our officers; and I must say that I did not think my honorable colleague would thus "damn with faint praise." "Intrepid!" Yes he is indeed. Go to the northwest, and ask his companions at the battle of the Miami; ascend the heights of Queenstown, and inquire of those who saw him there; count his scars, you will find them on his breast. He is "intrepid;" he also has enterprise; he has skill;

he has conduct; he is, in every respect, an accomplished officer. Need I adduce the proofs? Must I prove that the sun shines? Solomon Van Rensselaer needs not my humble voice to support his military fame. He has had testimonials the most flattering and the most undoubted. He was a favorite of Washington; he was selected as Adjutant General of his native State by the discernment of the illustrious Jay; he was continued in that office by the venerable Clinton; he was the particular favorite of the courtly Lewis, and he had the approbation of the "Lovely Tompkins" himself. He has held this office under every Governor of the State of New York. And shall his military talents be now questioned? More, sir: General Wilkinson, on his way to the frontier, solicited Colonel Van Rensselaer to accompany him as his aid. He pressed this solicitation with an earnestness and manner peculiarly grateful to the feelings of that gallant man to whom it was addressed. Again: General Harrison, a few days since, urged his appointment as a Brigadier General in the present Army. He did not succeed. There are honorable gentlemen within hearing who well know the reason. And yet my honorable colleague has seen fit to speak lightly of the military talents of Solomon Van Rensselaer!

I feel indebted to the Chair for its indulgence. I will not further abuse it. I know that I have failed in doing justice to the characters of the two gentlemen whom I have attempted to shield from unmerited imputations. I have scarcely traced the outline; to fill up the pictures would be the work of time, and would require also the hand of a master.

Mr. MURFEE, of North Carolina, addressed the Chair, as follows:

Mr. Chairman, I have observed, with considerable surprise, a very strong disposition in the majority to act rather than debate, and answer the arguments of their adversaries by their votes alone. How much soever I may be usually disposed to surrender my own opinion to the better judgment of my friends, the policy of such a course seems to me, at this time, to be exceedingly questionable. In this country, everything depends on popular opinion, and that is essentially influenced by the debates which are presented to the consideration of the people from this floor. They have not the same opportunity correctly to estimate what is said which we have; and, when the long and labored speeches of the minority fall under their view, many will naturally be led to believe that they who have spoken so much, must sometimes, at least, have spoken to the purpose; and that, where all is indiscriminately censured, there must be something really deserving of censure. I must, therefore, express my pleasure at the different course pursued by the honorable gentlemen from New York, (Messrs. FISK and TAYLOR,) and hope that they and others will continue fairly to combat every argument, and refute each paradox, as they may be advanced.

Several honorable gentlemen of the minority have repeatedly expressed their determination to

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maintain undiminished the right of debate and privilege of expressing their sentiments, which is secured to them by the Constitution. From the frequency of this remark, one would be induced to believe that some encroachment had been made on, or attempted by the majority upon those rights which they are universally acknowledged to possess. But, sir, when or by whom have any such attempts been made? On the contrary, the range they have taken, and the latitude of remark in which they have indulged themselves, are unparalleled in the Congressional history of this country. They have exhausted the language of invective in reprobating the Administration, and of panegyric in extolling themselves. The former they have stigmatized as weak, wicked, unjust, and oppressive; and, sir, they have arrogated to themselves the largest portion of the virtue and the best talents of the nation.

Sir, an honorable gentleman from New Jersey, (Mr. STROCKTON,) a few days since, when an account of the devastation committed by the enemy on our frontier reached this place, observed that he did not feel alarmed at the situation of this country. I know that, from thence, there was no real cause of alarm; that, although they might burn a few unprotected villages, and murder some defenceless women and children, the light and savage bands that roamed about our frontier could make no permanent impression on these States. If, sir, that honorable gentleman and his friends do feel any alarm, it is rather a pleasurable sensation excited by alternate hopes and fears—hopes that they may shortly seize the helm of State, the fond and professed object of their wishes; and fears, lest it may be snatched forever from their grasp by an honorable peace. I mean their fears as party men; individually and personally. I doubt not they would hail with pleasure the approach of that desired event. But, as a party, it must extinguish their hopes forever. Think you, sir, the people would suddenly dismiss from their service an Administration which should have successfully conducted them through a dangerous conflict to a safe and honorable peace? That they would at once open their eyes to that merit in the minority to which they have been blind so long—of whose sufferings during more than twelve years of “successful oppression,” as it is termed, they have been unpitiful spectators?

But, sir, I believe that a real cause of alarm does exist, when we see a spirit of opposition displayed to an extent which can only tend to prostrate the fundamental principle of our Government—that the will of the majority, constitutionally expressed, shall be obeyed.” Several gentlemen have asserted that they have not only the right, admitted by all, to oppose the passage of a law to fill the ranks of our Army, but also the Constitutional right to render that law nugatory, by dissuading others from enlisting in the service of their country. And one gentleman, if I mistake not, with apparent triumph, boasted of his practical exercise of what he is pleased to term his Constitutional privilege. I feel alarmed when I see a deep-rooted discontent, apparently

looking to a dissolution of the Union, prevalent in those States most interested in its formation, and whose prosperity essentially depends upon its continuance. But, above all, I think there is cause of the greatest alarm, when we see the spirit of the Revolution so fast extinguishing; when we see the sons of those sires, who disdained to submit to a trifling duty upon tea, so eager and anxious to receive the boon of that contemptible remnant of commerce which the British Government, for their own convenience, may still condescend to permit them to enjoy.

The same honorable gentleman rejoiced that the flag was struck. I wanted no explanation of what he meant—I well knew he could not mean the flag of his country—his patriotism and parental feelings equally forbid the supposition. My sincerest wishes attend his gallant son—may it be his fate, like another Perry, to bear that flag in triumph through a hostile fleet. But, sir, he rejoiced that the flag of the Administration, the alien flag, was struck. By whom was this flag raised? By WASHINGTON himself. I am not about to enter into the abundant theme of Federal inconsistency—where I should lose myself and fatigue the House before I had half travelled it over. But I cannot forbear the passing remark that a disciple of WASHINGTON should be the first to abandon those whom WASHINGTON himself has received into his household and to whom he pledged the faith of his country for their protection and safety!

For the grounds upon which the war was declared and the objects which its prosecution is expected to attain, we are to look alone to the declaration of war and the accompanying documents. There, sir, they are so directly and explicitly avowed, that it seems impossible to misapprehend them: the enjoyment of that commercial intercourse with other friendly countries, to which, by the law of nations, we are entitled as an independent sovereignty; in the next place an effectual and practical security against the impressment of our seamen. These are the objects for which the war is prosecuted, and the interruptions of the one and the abuses of the other were the causes which produced it. The attention of the honorable minority who so vehemently oppose its continuance has been often directed to this subject, to obtain from them a precise and determinate opinion upon the sufficiency of these alleged causes. Hitherto, sir, they have chosen to waive the invitation, and are content to oppose its further prosecution, as originally commenced under the influence of different motives, and such as they choose to attribute to the Administration and majority of Congress. The Orders in Council having ceased to exist, the cause of war, the war itself, it is said, ought also to terminate.

But the other cause, equally interesting and equally justifiable, still remains in its original force, and no expedient has been offered by the British Government to secure our citizens against the enormous abuses of this practice of impressment, and every proposition on the part of this

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Government for that purpose has been either unnoticed or rejected. Of the magnitude of this subject now, some idea may be formed from the opinions which were entertained respecting its importance in the earliest period of our Government and by other men. I will trouble the House with the reading of two short extracts, one from a letter of Mr. Pickering, Secretary of State, to Mr. King, Minister at London, dated 8th June, 1796, in which that right is justly asserted for which we are now contending. The principle laid down is substantially to this effect: "That on the high seas our flag shall protect those, of whatever nation who sail under it," and then adds, "We have a right to expect that the British Government will make no difficulty in acceding to this interesting provision."

In a letter from the present Chief Justice, of 20th September, 1800, then Secretary of State, to Mr. King, he declares, that—

"The British have no right or pretence to impress—

"1st. Native American citizens.

"2d. British subjects here at the Treaty of Peace.

"3d. Other foreigners naturalized.

"4th. British subjects naturalized since the treaty.

"This last class only doubtful, but our right to these may be justified by the practice of the British Government.

"Is it not more advisable to desist from an acknowledged wrong, than, by a perseverance in that wrong, excite the well founded resentment of the American people, and force our Government into measures which may very possibly terminate in an open rupture?"

Such was the result which was anticipated from that source by that distinguished gentleman, and the authority is entitled to greater weight because his sentiments are supposed to be unfavorable to the present Administration. Independent of the undoubted existence of the fact, the increase of the abuses of impressment, which were then represented in so loud and peremptory a tone, may be easily proved by the continued existence of the causes whence they are said to originate. The British Government resort to this practice in time of war only, and its rigor is increased according to the deficiency of hands to man their fleet. From the date of the last letter to which I referred, and even, indeed, from a much earlier period, they have been engaged, except a very short interval, in a continued warfare by sea and land, and extended to every quarter of the globe. The expenditure of human life in this contest must have made serious impression on the population of the country by which it was maintained. For the same reason also, the commerce, ships, and seamen of the United States have multiplied to an extent which could not have then been within the bounds of reasonable expectation. Additional opportunities for the continuance of this practice have thus been afforded, in proportion to the increasing demands which compelled them to resort to it originally.

Sir, if the multiplied scenes of oppression on the ocean do really exist, as we have been told they do, I think no honorable gentleman here will venture to tell his constituents that it is just

and expedient that we should bow our heads and submit to them without a struggle.

An honorable colleague of mine, (Mr. GASTON,) inferior to none of his friends in talents, and equal to any of them in zeal for his party, has pledged himself to his constituents, if I am not misinformed, to support the continuance of this war, if it be necessary to obtain practical security against the impressment of our native seamen.

This, sir, is the avowed object of the war—nor is it less the real object because a few naturalized citizens, too inconsiderable in number to be an object of any importance to either Government, may happen to be mingled with the mass of our native citizens who are subjected to the cruel dominion of British officers. Yet the minority seriously assert this belief, and attempt to impress it upon the people of the United States, that it was waged solely for the purpose of protecting from their native sovereigns a few hundred foreign seamen. If, sir, they admit the justice and necessity of contending for the rights of our native citizens, let them act openly; let them tender their support in defence of those rights, and call upon the Government for the proof that they have been infringed.

This, indeed, is so easy to afford, has indeed been so amply demonstrated, that the honorable gentlemen wisely avoid the dilemma, and still continue to oppose the war, as founded on motives, and prosecuted for objects, which are utterly disclaimed.

The mode of argument which has been used by several gentlemen who have spoken upon this subject, is of so novel and extraordinary a character as to justify a few remarks.

One honorable gentleman from New York, (Mr. SHEPHERD,) in a long and elaborate speech, has demonstrated the immorality and injustice of this war, upon the authority of the commandment, "Thou shalt not kill."

The celebrated ancient mathematician Archimedes asserted, if he had a spot on which to stand, he could move the earth. If, sir, we grant the postulations of the honorable gentleman, he could not only prove the injustice of this war, but of all others which ever were waged from the beginning of the world; and, what is still more extraordinary, prove them to have been equally as unjust on the one as on the other. And, sir, if he should translate his apothegm into our criminal courts, its effect will be stronger still. Suppose an assassin, I mean not a moral murderer, but one who killeth with malice prepense, arraigned at the bar, by virtue of this all-powerful charm; the jury who convict, the judge who passes sentence, and the sheriff who hangs, can with great facility be proved to be moral murderers. The same honorable gentleman, in his speech yesterday, emphatically declared he would never give his assent to wage a war for honor. He has repeatedly expressed his determination to wage none for the subjugation of the innocent and unoffending Canadians. Perhaps the gentleman will consent to its prosecution to

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obtain some remuneration for the thousand ships of which we have been plundered in time of peace. But, sir, if he will not consent to fight for money, nor Canada, nor yet for honor, I abandon the hope of conceiving what in his estimation is justifiable cause of national hostility.

An honorable gentleman from Massachusetts—I mean that gentleman who accounted for the exhibition of blue lights upon philosophical principles, or by the intervention of supernatural agency—in the course of a long and learned speech upon our foreign relations, permitted himself to observe, that “England has done us more wrongs than she ought.” Yes, sir, while the injuries and insults of France were justly reprobated in the severest terms, the accumulated wrongs, the added insults of more than thirty years were dismissed with the mild and simple remark, that “England has done us more wrongs than she ought.” This, however, I seize as a precious confession, because he is thence bound to confess that the Administration has not been remiss in its duty, and can censure it only as being too sensitive to the honor, and prompt to redress the wrongs of this country by a precipitate declaration of war.

But, sir, an honorable gentleman from New York, (Mr. GROSVENOR,) in another tone, admitted that our rights had been invaded by England; had by her been trampled in the dust; yet he condemns the war as unjust, because inexpedient, and his whole argument was founded upon that proposition. It is only to state the proposition to show his inference improper. A just war may be inexpedient; an unjust one may be expedient; but a war is never unjust simply because it is inexpedient.

The conduct of the majority on this floor has been frequently censured, particularly as curtailing the right of discussion, and precipitating the most important laws. I think, sir, that we have great cause of complaint of the course which some honorable gentlemen of the minority have thought proper to pursue *off this floor*. I allude particularly to some late publications respecting the Russian mediation. An honorable gentleman from Massachusetts (Mr. PICKERING) published a series of letters to prove that this mediation was offered by the Russian Minister, unauthorized by his master, and that he was prompted to it by the President himself. I speak from recollection of a light reading of them, and may be mistaken, but such I inferred was substantially his object. This, given to the world under the sanction and high authority of his name, I doubt not has been, and probably still is believed by nine-tenths of his constituents, and perhaps the same proportion of his political admirers throughout the United States. We have the confutation upon our tables; but how is the impression of this precipitate accusation to be removed from the minds of those who may never see, or not attach the merited authority to those documents which so clearly prove it unfounded? In mentioning this subject, I utterly disclaim the remotest intention to affect the feelings of that hon-

orable gentleman, and beg leave to retract the hasty opinion I had formed of his political intolerance, and to declare that no one of the party with which he acts, as far as I have observed, has, on this floor at least, displayed more moderation. But I mention it because it is recent, because it is calculated to do the Administration an unmerited injury, and principally to afford him an opportunity, which I trust he will embrace with pleasure, of making the acknowledgment of an error into which he has been too hastily led by incorrect information or inconclusive deduction.

The honorable gentlemen have exultingly reminded us of the mutability of power. A wise and politic King of Macedon had an officer whose sole duty it was to repeat each morning the salutary lesson, “Remember, Philip, thou art mortal!” We need not put it into the head of our Clerk to remind us of the fleeting nature of our transitory authority. We have a monitory lesson of a far more impressive nature constantly displayed before us. We need but cast our eyes upon the thinned ranks of that numerous party which once ruled this country with such despotic sway to be convinced of the feeble hold a party has of power after the confidence of the people has been forfeited.

To prove that confidence hitherto reposed in the Administration to be forfeited, it has been asserted that the objects of the war are abandoned, because they have consented to treat upon an acknowledgment of the maritime rights of England. These, sir, have never been disputed, and we acknowledge her to possess none except such as are founded on the laws of nations. But hitherto this Government never has, and I trust never will, discover any intention of submitting to the maritime wrongs of England. At the commencement of the contest, a proposal of an armistice, for the purpose of negotiation, was made to England, upon condition that she would suspend the practice of impressment on board American vessels during its pendency. And the proposition of a similar nature, made by Admiral Warren, was rejected because he would not accede to the same conditions. But, sir, the American Government was then ready, and proffered its readiness to treat, so that the negotiation should not interrupt the progress of hostilities. To their own proposal, now tendered by their adversaries, they have acceded; and, in their attempts to obtain their objects, either by a treaty or a continuation of hostilities, they cannot surely be said to have abandoned them. The objects of the war, so interesting to the feelings of every American, and so essential to the prosperity of this country, will never be relinquished; and any Administration which shall fail to assert them will be abandoned by their country.

Mr. LOVETT.—Mr. Chairman, the day is far spent, and I perceive the Committee is growing impatient of discussion. It is, therefore, with extreme reluctance I rise to solicit your indulgence on the floor, even for a few minutes. I have not risen, sir, to discuss either the causes of the war

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or the general manner in which it has been conducted; not to attempt a demonstration of what are the Constitutional rights of the majority or minority in this House; nor yet, sir, to advocate or oppose the bill on your table for raising three additional regiments of riflemen. General topics, whatever may have been the bill before the House, have long been discussed with a latitude of debate which I would not enlarge, and could not approve. For the last ten days, an almost unlimited scope of indulgence has been paid out to wide veering debate. An honorable gentleman rises in his place, selects the subject of his choice, speaks awhile, is called to order, sits down, hears a short explanation, rises again, takes another subject, and speaks as long as he can. But, sir, I trust that honorable gentlemen, recollecting the turn and bearing which debate has assumed, yesterday and to-day, will feel the justice of my claim for, at least, as much time as may be necessary for me to meet such parts of it as have been directed at me, personally, and upon two of my most distinguished and honorable friends, whose private and public characters I will, with pleasure, here and everywhere else defend. Short of these considerations, I would not, sir, have troubled the committee for a moment; but, placed as I now am, silence would be an abandonment of self respect, and cowardly treachery to friends who deservedly hold the first place in my heart.

Sir, could I yesterday have got the floor, when I several times attempted it, it was my intention to have answered at some length the argument which my honorable colleague (Mr. TAYLOR) read to this House. But, as my ever prompt friend (Mr. GROSVENOR) on my left, who was also assailed in that argument, has not only repelled, with costs, every attempt to fix inconsistency upon his political conduct and character, but has also ably answered the topics of the arguments generally, I shall not follow my honorable colleague on the other side of the House in detail.

Sir, it was with extreme regret that I yesterday heard my honorable colleague (Mr. TAYLOR) read his declaration of New York civil war of debate. I regretted that he should have thought it his duty or policy to read it at all; but, had he told me that he deemed it indispensable, most cheerfully would I have given my vote that it should have had its first, second, and even third reading, by its *title* only, that it might have gone speedily from this House to the press, corrected and revised by the author, and as speedily from the press, onward to the meridian for which it was doubtlessly calculated. Frequently, sir, in this House, have I bent the last nerve of injured organs to catch the arguments flowing from the practical good sense of that honorable gentleman. I duly appreciate his talents upon all occasions, and sometimes, the manly independence which he asserts. But, sir, the same frankness with which I make this avowal, will constrain me, however reluctant, to go farther, and say that, in the sincerity of my heart, I think there was, in the argument which the honorable gen-

tleman read yesterday, a lamentable falling off. I may, possibly, be mistaken, as I did not hear distinctly everything which was read; if so, sir, the gentleman must charge it, not to any disrespect or want of attention, but to the misfortune which befel me in that short military career which the honorable gentleman is pleased to consider as my passport, not only to the distinguished honor of holding a seat on this floor, but, also, to what he is pleased to consider a lucrative office in the State of New York.

Even a partial privation of hearing is, indeed, perplexing; yet, perplexing as it is, I admit there are some occasions on this floor when such is my desire to hear the wisdom of experience poured out in all the captivating magic of eloquence, that I would almost barter an eye for an ear which could convey the whole to my understanding.

Sir, I have said that in what my honorable colleague yesterday declared to the Committee there was a very great falling off from his usual standard of Parliamentary debate. To me it appeared, most evidently, that he had basted together as many heterogeneous, sheet-swelling topics as would, with a very little more attention, make a long and popular speech, should the honorable gentleman have any desire to appear in that shape before his constituents and the world. I say, sir, a long and popular speech, because I am fully aware that many people, in these days, appreciate speeches, as they do many other things, by their bulk. Nor, sir, is this altogether a novel idea. If I mistake not, I have somewhere read of a man, who, indulging the opinion that his brother was a poet of unrivalled merit, thus expressed himself:

"Mine broder Ben, the bestest poet, what all the world mought please;

"For he has writ von mighty pook, *so pig as all dese cheese!*"

Mr. Chairman, the general scope of the observations which my honorable colleague yesterday offered to this Committee, was to establish one great proposition, viz: that this war is very popular in the State of New York. This proposition he endeavored to support by a heterogeneous mass of evidence collected from every source which his ingenuity could devise. But after all the efforts which my honorable colleague put forth, candor constrains me to say, that the inferences he drew from the premises which he established, really appeared to me one of the most harmonious families of *non sequiturs* with which I ever became acquainted. Sir, in support of his general proposition, that this war is popular in the State of New York, my honorable colleague has placed great reliance upon the evidence he has collected from the liberal rewards which the people of that State have bestowed upon Major General Van Rensselaer, and his little military family, since the campaign of 1812, and the battle of Queenstown. Sir, it may be almost unnecessary to repeat what I have before said, that I shall confine my observations very closely to answering what my honorable colleague has said relative to this military family matter; and, sir,

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I beg leave to have it explicitly understood, that I am drawn, most reluctantly, into the discussion of the subject.

I cannot, I ought not, and will not, in this manner, be drawn into a discussion of the general topics of the campaign of 1812, or the particular occurrences at the battle of Queenstown. Without arrogance, I believe I may say, sir, that my opportunities enabled me, to the extent of my capacity, to form as correct opinions of that campaign as any other man. Perhaps as well as any other man, I understood the considerations which induced Major General Van Rensselaer to assume his command in that campaign; the very great difficulties and embarrassments he had constantly to encounter, and the complicated necessities which compelled him, against his better judgment, to move, at the time he did, against Queenstown. I imagine that there would be no great difficulty in explaining either the causes which produced a prospect of brilliant success at the onset, or those which overcast it at the last. But, sir, I trust that every honorable gentleman will at once anticipate the impropriety of my entering, upon this occasion, into the general concerns of that campaign, or the details of that battle. The considerations which deter me are many and weighty. I regard them all, but more especially the sentiment, *nil de mortuis nisi bonum*; but, in the path of detail, should I be compelled to travel it, justice to the living—nay, strong necessity, would compel me to tread heavily upon the ashes of the dead.

Mr. Chairman, if on this floor, or anywhere else, before a competent and Constitutional tribunal, you will institute an inquiry into the campaign of 1812, or the failure of the attack upon Queenstown, I will most freely and cheerfully tell you and the world all I know of them; and I think I might venture to pledge myself, sir, to you, to this House. to the impartial people of America, and to the world, that I will make to you such disclosures in evidence, as, however they may bear upon others, shall not only exonerate Major General Van Rensselaer from every unfavorable imputation, but such as shall entitle him to the increased love, gratitude, confidence, and respect, of all whose good opinion ought to be regarded by honorable patriots.

Mr. Chairman, I must now beg the indulgence of the Committee for a few minutes, while I show how very unfortunate my honorable colleague (Mr. TAYLOR) has been, in his attempt to prove "that the war is popular in the State of New York," by any evidence collected from the respect paid to Major General Van Rensselaer, and his military family, for their services in the campaign of 1812, and at the battle of Queenstown.

Various considerations, not necessary to be here detailed, placed me in Gen. Van Rensselaer's family, in the campaign of 1812; and as I was the humblest member of that family, I will first meet the observations which my honorable colleague has applied to me, personally, and then rise, in order, to those applied to the other and higher branches of that family.

Sir, the purport of all the observations which my honorable colleague directed to me, personally, if I understood him correctly, was this: that my humble services in General Van Rensselaer's family, in the campaign of 1812, had procured to me a passport, not only to the very honorable seat which I hold in this House, (which, considering the district I represent, is enough to gratify any rational ambition,) but also to an office of honor and profit in the State of New York. Sir, it is true, my title to this seat is good; I duly appreciate it; it is the highest honor of my life, and the summit of my ambition. It is also true, that I hold an office in the State of New York. Would to Heaven its income were as great as my honorable colleague intimates! All I can say on that score is, that the duties of that office are arduous, and the income something; I complain not of the one, nor vaunt of the other. But, sir, I absolutely deny the fact, that my military services have furnished my passport either to my seat or my office; and I am not a little surprised that my honorable colleague, with the knowledge I know he possesses on that subject, should ever have hazarded an opinion so unfounded. Sir, that honorable gentleman very well knows, that long before Gen. Van Rensselaer was assigned to his command, I had been elected to represent the city and county of Albany, in this House. It is true, that my election, and all others which took place at the same time, were vacated for a reason well known; but my fellow-citizens had expressed their confidence by ballot. I was afterwards again elected, but if my memory be correct on this subject, by a less majority; but, on that subject I cannot speak with absolute certainty. Thus much, Mr. Chairman, for my passport to this seat; it was not gained by any military services of mine in the campaign of 1812. Next, sir, I will show you, satisfactorily, that I had not my office in consequence of those services.

I presume, sir, it is known to every gentleman on this floor that, in the State of New York, appointments to office are made by a Council, constitutionally composed of the Governor and four Senators selected from the four great districts of the State—the Governor having only a casting vote. It is a fact which my honorable colleague will not pretend to deny, that the Council which appointed me to office consisted of the Governor, of course, one very honest and candid democratic Senator, and three Senators of the old school, who are most conscientiously opposed to the war, and who never would have supposed any man's pretensions to office in the least enhanced by any part he might have acted in it. Now, Mr. Chairman, I put the question direct to my honorable colleague, whether he believes that the Governor of the State of New York, or the democratic member in that Council, (and he is a personal friend whom I much esteem) would, under any circumstances, have voted for appointing me to the office I hold? Sir, I trust the honorable gentleman will not wish an affirmative answer. No, Mr. Chairman, I hold not this seat, or my office

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in consequence of any military services of mine; and, to me, it is incomprehensible how my honorable colleague could ever have supposed it. I trust, therefore, sir, that the honorable gentleman has not, from my election or appointment to office, been able to collect any evidence to support his great proposition that this war is popular in the State of New York. But, says my honorable colleague, the war is popular in the State of New York, and I will prove it by the appointment of Colonel Van Rensselaer to the office of Adjutant General.

Mr. Chairman, I will next then proceed to speak of this favorite of my heart, Colonel Solomon Van Rensselaer; a name dear, I believe, to every soldier in the United States, and respected, I know, by all who have ever met him in battle. In speaking of this soldier, sir, I know not where to begin, or where to end, even should I confine myself to his merits, to his sufferings, or to his wrongs—they are all great. But I will make one general observation, suggested to my mind by the treatment which this man and others of great merit have received from the Government. That country which rewards her faithful servants, will never, in the days of calamity, call in vain to her sons for aid, however perilous her service; but to the Government of that country which will not reward the services of her friends, in some shape, no matter how, custom will dictate that destruction is nigh, even at the door. I say, sir, I know not where to begin or end, in speaking of the merits, sufferings, or wrongs of Colonel Van Rensselaer. Sir, this man was born a soldier; composed of a certain combination of physical and moral essences which is invincible. His mother presented him as the pledge of her affection to a soldier whom she loved. The infant was dandled upon the wounded knees of the hero of Wolloomsack, who yet lives, languishing with wounds. The tale of battles was charming to the boy, and at the age of twenty you behold him a gallant captain of cavalry; the favorite pupil of the intrepid Wayne. In the last charge which terminated the ever memorable battle near the Miami, the young hero was shot through the breast. From his own lips I have it, that he was determined to die on his charger, in his stirrups. While in this situation, a distinguished officer of the army will tell you, that he advanced to the supposed dying soldier, to bid him a last adieu; speech was indeed strangled in blood, but the spirit of the soldier smiled complacent at death; he survived, and by your laws he was entitled to remuneration. He secured his vouchers, that was all. Do you see his name on your pension list? No, sir, he disdains it. An hour before he led your troops to the heights of Queenstown, he handed me a trust, saying, "Sir, should I fall in this action, break that seal and be a friend to my family." Under that seal was evidence of his well-founded claims upon his country, for blood shed in her service. That claim, sir, is unsatisfied to the father of a growing family, whose circumstances are not the most affluent. The merits of this young hero attracted the at-

tention of the Father of his Country; the affection was reciprocal; "a soldier's love is to a soldier dear." The sacred name of WASHINGTON, on his commissions, he presses to his bosom as the darling of his honor. President Adams was the warm admirer of this soldier; your Hamilton was his bosom friend. The all intuitive mind of Governor Jay read his merits, and appointed him Adjutant General of the State of New York. In that office he was continued with the administration of Governor Lewis. He even passed the ordeal of the administration of Clinton, and when party rage pressed that venerable patriot to dismiss from service this son of Federalism, he answered with his inflexible, characteristic firmness: "No; he is a capable officer; he knows his duty and performs it—I regard not his political creed." No, sir, the odious act of ousting from office the perfect disciplinarian, the pride and model of the soldiery of New York, was reserved—I am mortified to say it—to the present Chief Magistrate of that State. Sir, permit me to say, that, neglected and abused as he has been, Solomon Van Rensselaer has this day more military friends than any other man in the United States. I speak with confidence, for I can point you to the evidence which will bear me out. He is the very idol of the soldiery of New York; and never, sir, shall I cease to respect the expression of their attachment, when they volunteered to carry this hero, covered with wounds, three hundred miles upon their shoulders; and they did so carry him as far as he would permit them. Nor has this love and zeal to serve pervaded your ranks only. Your late Secretary of War, as I am credibly informed, had designated Colonel Van Rensselaer, for Brigadier General; his pretensions, I understand, were warmly urged by your present Commander-in-Chief. The lamented Cuyington, I know, last Summer, tendered his best service to have Colonel Van Rensselaer restored to the service. On his first arrival in this city, in August last, General Wilkinson told me that the service would require a corps of one thousand men, well mounted, and armed with muskets and sabres; and that Colonel Van Rensselaer was pre-eminently qualified to command such a corps. I know the fact stated to you by my honorable and eloquent colleague on my right (Mr. MILLER,) who has just addressed you on this subject, that General Wilkinson strongly solicited Colonel Van Rensselaer to enter his family as his first aid. And I believe, as the same honorable gentleman stated to you, for I have before heard it asserted upon high authority, that General Harrison, when the other day in this city, urged upon the President the high and just pretensions of Colonel Van Rensselaer.

Mr. Chairman, had I expected this discussion, I would have refreshed my memory from memoranda in my possession, as to the relative pretensions, founded on rank, of my friend with the officers appointed to command your armies. But I must speak from memory only.

I believe, sir, that Colonel Van Rensselaer was a major of cavalry when the lamented Pike was a lad in his father's military family. The late

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gallant but ill-fated Covington and your favorite Harrison were, at the same time, lieutenants. Yet, sir, after the promotion of all these officers, wedded as was my friend to his sword, and dreading the divorce as death to his fondest hopes, he permitted his friends to make it known to the Administration, that he would accept the command of a regiment! But, sir, notwithstanding all the complaints of a want of officers of experience and practical knowledge, my friend, of experience and practical knowledge, has neither received compensation for the blood he has so often shed for his country, nor a standing at the head of even a battalion in your army! And why? That question, Mr. Chairman, my honorable colleague can answer as well as any man. On that subject, I believe that he and I think alike, and that our opinion does not differ from the one entertained by all political parties in the State of New York, which is plainly this—that the Chief Magistrate of that State, and three or four too influential minions at his elbow, cherish an eternal pique against Colonel Van Rensselaer, and, in all party treaties, never cease to insert an article that he shall stand proscribed.

Such, Mr. Chairman, is the sketch of the history, character, sufferings, and wrongs of the man whom a Federal council of appointment in the State of New York, twelve months ago, appointed Adjutant General of that State with a salary, I believe, of eight hundred dollars per annum. And now, sir, are we to be seriously told, on this floor, that that appointment affords evidence that “the war was popular in the State of New York?” Surely my honorable colleague must have been hard, hard-pressed indeed for witnesses to prove his grand position, before he could ever had thought of summoning Colonel Van Rensselaer to attend on this floor.

Mr. Chairman, this procedure is so extravagant that I can hardly realize the course I am pursuing. But let it be remembered as my apology, that I am only following my honorable colleague in a very unexpected and extraordinary course of debate.

Mr. Chairman, I will ask the indulgence of the Committee only a minute more—I have yet to meet my honorable colleague at one point; and that is, to show that the expression of confidence and respect which the people of the State of New York have made to Major General Van Rensselaer, since the campaign of 1812 and the battle of Queenstown, is not competent testimony to support his proposition that the war is popular in the State of New York.

Sir, for whom were those strong, for strong they were, expressions of confidence and respect made? Not by the friends of the war—possibly I ought to qualify this assertion a little. I do believe, that upon General Van Rensselaer's return from the Niagara frontier to Albany, he was hailed with the joyful acclamations and cordial greetings of all parties. But the conduct of one party upon a subsequent occasion, has been fully explained by my faithful colleague on my left, [Mr. GROSSVENOR had gone fully into the subject of the New

York election.] Mr. Chairman, Stephen Van Rensselaer had high claims to the confidence and respect of the people of the State of New York, before the war of 1812, and the battle of Queenstown.

Sir, on this subject, I need say very little. The character and patriotism, rank and connexions of this most honorable gentleman, are too well known in the State of New York, the United States and Europe, to need my humble eulogium. New York loves and respects him as a citizen of first grade; and the best patriots of the Union everywhere greet him as their equal and favorite companion. His private worth has been correctly and eloquently portrayed by my honorable colleagues over the way (Mr. FISK and Mr. TAYLOR.) But having yielded this, one at least of the gentlemen, (Mr. T.) seemed to question General Van Rensselaer's military talents. Sir, on the subject of General Van Rensselaer's command, I have before told you, that I had prescribed to myself narrow limits. I ought not, here, to overleap them, however strong the inducement; nor shall I do it by saying, that my humble opinion is, that General Van Rensselaer is a vigilant and able commander, patient of privations, possessing a sound judgment, great circumspection, and I know that he possesses nerve steadily toned to meet any emergency. I know, sir, that whatever his individual opinions might have been as to the causes or expediency of the war, he was faithful to his command, and kept his eyes steadfastly fixed upon the interest of the service and the honor of his country.

Mr. Chairman, I shall not transgress my prescribed limits in saying, that, should you revive the campaign of 1812, you will find abundant evidence that General Van Rensselaer was frequently driven to his very wits' end to meet sudden and unexpected emergencies brought upon him by the errors of those over whom he had no control. For myself, I have ever thought that the resources of mind which he displayed upon such occasions afforded very high evidence of his military talents. At any rate, I frequently witnessed them with very great respect. Sir, while on this subject, I will not state facts, it would be improper, but I may suppose cases, and draw conclusions. Suppose, then, Mr. Chairman, that your commander at Buffalo, on the 11th of August, having in command seven or eight hundred raw troops, should have received information from very high authority that General Hull was in quiet possession of Fort Malden, and that an immediate co-operation with him from Buffalo was indispensable; suppose that upon such occasion, one of the warmest zealots for the war—a man then in the high confidence of the Administration, and holding conspicuous rank in the Army, should have urged the crossing of Lake Erie, and a march of two hundred miles on the Canada shore, to form a junction with Hull; then suppose, sir, if you please, that your commander, relying more upon conclusions drawn by his own judgment than upon all his information and advice, should declare that Hull was

closely pressed; that it was doubtful whether he could hold out two weeks; that an attempt to co-operate with him would be inevitable ruin; that he would, therefore, make the best possible disposition of his forces upon the Niagara to meet events which he considered inevitable.

Mr. Chairman, would you not respect the circumspection and cautious conduct of such a commander? I know, sir, that you would; because, as you know that General Hull surrendered his army on the 16th of August, you will readily presume that General Van Rensselaer could not more than have crossed the outlet of the Lake, subdued Fort Erie, and advanced forty or fifty miles upon the Canada shore, before he must have met the gallant and victorious Brock in his front, had General Sheafe, from Fort George, upon his rear, with his left flank upon the Lake, and his right pressed by the Chippewa Indians—a surrender of a second army must have been inevitable. Suppose, sir, that General Hull, with his whole army, should have taken his line of march into captivity in plain view, and within six hundred yards of your commander and his little army; would you not expect a serious impression to be thereby made upon the minds of raw troops? Suppose your commander should still have the address to keep his army of militia together, and with less than one thousand men and eleven pieces of ordnance, none heavier than six-pounders, he should still continue to preserve a line of thirty-five miles, fronting an enemy of double his numbers, commanded by an officer of consummate skill and valor, and well supplied with heavy ordnance. Would you not, sir, respect the address, constancy, and firmness, of your commander? Supposing your commander and his little army in such condition, that had the valiant Brock thrown the one-half of his available force across the Niagara, at Chippewa, and the other half from the Four Mile Creek, upon the ridge road, what but the most desperate valor could have secured even a retreat for your troops? Supposing your commander, in the most perilous situation, had still presented a bold front to the enemy, commenced various works, apparently preparatory for an immediate descent upon Canada, would you not consider him entitled to some little credit for military skill? Suppose further, sir, that your Commander-in-Chief, with the full knowledge of all these supposed facts, should become alarmed and panic struck; should recommend the abandonment of Fort Niagara, in the fear that it would become a trap to the men who garrisoned it, and the falling back of the Army upon the interior! Should you, sir, imagine such a state of things as this, would you not pay some respect to the military character of your commander, should you hear him exclaim: "My God, what is our country coming to! We have declared war; one army has surrendered in disgrace at Detroit, and have been marched before our eyes. Here we have taken a position to invade Canada; shall I now give up Fort Niagara, retreat, and throw open for destruction the whole country to Genessee river?

'No, I cannot; I will maintain Lewistown at the price of my life, and the hazard of everything!'

And last of all, Mr. Chairman, suppose your commander to have been promised a force of seven thousand men at Detroit, by the first of October, and a large reinforcement under the immediate command of the Governor of New York, and this, too, at the season of the year which must terminate military operations, and then find himself deceived and deserted on every side; would you not rather approve of your commander's making such movements upon the enemy as his force would enable him, rather than to bring the campaign to a negative and disgraceful close, and see your army broken up in confusion?

Mr. Chairman, the facts within my own knowledge warrant me to consider Major General Van Rensselaer, since the campaign of 1812, in a situation very similar to that of his father-in-law, the late illustrious General Schuyler: he had most faithfully served his country, but clouds of suspicion and jealousy concealed those services until they were brought to light by the faithful pen of your Marshall. Some faithful pen will, hereafter, do justice to the merits of your commander of 1812. I rest content.

Mr. Chairman, I might pursue my subject to any length; but I trespass on the patience of the Committee. I will stop; tendering my thanks for the very honorable attention I have received while making these remarks, and resisting the opinions of my honorable colleague, that this war is popular in New York.

Mr. McKIM, of Maryland, spoke to the question before the House, which the gentlemen who preceded him did not discuss, and expressed himself in favor of the bill.

Mr. WINTER, of New York, moved to amend the bill so as to strike out the words, "in addition to the present military force," and substitute therefor, "as part of the present military force," &c.—Negatived, 59 to 48.

Mr. RIDGELY, of Delaware, moved an amendment, the object of which was to convert three of the regiments of infantry, now authorized by law, into rifle regiments, instead of making an addition of that amount to the army we now have on paper.

Mr. TALLMADGE, of Connecticut, supported this motion, because, though decidedly in favor of giving the Government a greater proportion of this species of force, he was opposed to increasing the force at present authorized by law, estimated at about sixty thousand men, by the addition of three other regiments.

Mr. PICKERING, of Massachusetts, supported the amendment. He could not see the use in raising additional officers for the purpose of recruiting, when, by a law recently passed, every man in the nation was made a recruiting officer, by the bounty of eight dollars offered for each recruit.

Mr. DESHA said, it was not his intention, in rising, to say anything about the causes that produced the war, or the workings of political parties. Two days had been already spent, and uselessly

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spent, in discussing those points, and the subject-matter under consideration scarcely touched. We are at war. Shall we take steps calculated for a vigorous prosecution of the war, or shall we uselessly spend our time (which, under all circumstances, ought to be deemed precious) in detailing the progress and workings of political parties, until the season so far advances that time will not admit of raising a formidable force, in order that we may calculate that something of a decisive character may be done the ensuing campaign?

The question before the House is, will we grant three additional regiments of riflemen, agreeably to the demand of the Executive, through the legitimate organ? For one, he said, he would grant them. The Executive has demanded them: he has the Constitutional power of conducting the war, and is responsible to the people for its management. He was disposed to grant everything, in reason, that may be thought necessary for a vigorous prosecution of the war, in order that it might be brought to a speedy and honorable termination. Are rifle regiments, to a certain extent, preferable to musketry, or are they not? He thought they were. The riflemen now stand in our army as one to fifty. Was this, considering the nature of the war which we are engaged in, sufficient? Unquestionably not. Gentlemen know that the British depend much on their Indian allies. They have not, nor will they engage in battle without their aid. And all gentlemen who are in the smallest degree acquainted with Indian warfare, must know that they never will engage in open field fight; that they will be under cover of woods; that their object, in all instances, is to operate on the flanks of your army; that they are bold and daring when opposed by musketry, compared to what they are when opposed by riflemen. They disregard your bayonets. You may, by charging on them, dislodge them from their lurking places, from whence they annoy you; but, when you quit the pursuit, they will pursue in turn, and then a considerable slaughter is almost the inevitable consequence, as, in almost all instances where the rifle is well aimed, every shot counts. No, sir, if you expect to succeed against the Indians, you must fight them in their own way—oppose rifle to rifle.

Gentlemen must be well aware that Canada, where our arms must operate, is principally a woodland country—a country abounding with woods and marshes—where horse cannot operate to any advantage, if you had cavalry of any consequence, which is not the fact. You have not one complete regiment of cavalry. It is true, you have two regiments, nominally, but both would not make one complete regiment. Indeed, a consolidation is recommended, which in all probability will take place. And would gentlemen think of sending an army into Canada, without either cavalry or riflemen to secure their flanks? If they would, it would be a proof of the want of military skill—indeed, I should pronounce it madness in the extreme. He said, taking into consideration the nature of the enemy, and the situation of the country your arms have to oper-

ate in, he considered riflemen of more consequence than horse. Cavalry is a very expensive corps, independent of the difficulty of keeping them up in that quarter, which was very great. The expense of rifle corps is very little more than that of infantry: the only difference is, the cost between a rifle and a musket and bayonet, which is quite inconsiderable. He said, in his opinion, we ought to have at least five or six regiments of riflemen; and he intended, if these additional regiments were granted, to introduce an amendment directing that two or three of the regiments of infantry authorized by law should be converted into rifle regiments. He said he was afraid that the recent proposition made by Britain for an adjustment of differences was not made in the spirit of sincerity, but with a view to amuse, with an expectation that it would produce relaxation on the part of our Government; and if this bill should not pass, he should conclude that his anticipations were about to be realized—that a symptom of relaxation had manifested itself already. He said that preparation for a vigorous prosecution of the war was everything, both as respected obtaining peace, as well as a speedy and successful termination of the war. He trusted that we would not take up weeks in debating the affairs of the nation, as gentlemen called it—in detailing the causes that produced the war; whether it was a just or unjust war; and pointing out the progress and weakness of political parties—but that we should pass the bill immediately. If gentlemen wish to have an opportunity of making a display of their oratorical powers, let them select some subject better adapted—which gave greater latitude—one on which they might occasionally, if it should be accidentally, touch the subject-matter under debate. Gentlemen ought to recollect, that the Opposition has no responsibility. The majority have the whole responsibility on their shoulders; consequently, ought to act promptly, and not suffer ourselves to be defeated by delay.

The amendment proposed by Mr. RIDGELY was negatived, 54 to 37; and the Committee rose and reported the bill; and the House took up the report.

Mr. RIDGELY, of Delaware, renewed the amendment which he had moved in Committee, spoke in support of it, and required the yeas and nays thereon.

At this late hour, it appearing that there was not a quorum present, the House adjourned.

FRIDAY, January 28.

Mr. RHEA, of Tennessee, presented to the House an attested copy of an act passed by the Legislature of the State of Tennessee, entitled "An act for the more equal and equitable apportionment of the direct tax laid upon the State of Tennessee by an act of Congress of the United States, at the last session, amongst the counties of this State;" which was referred to the Committee of Ways and Means.

Mr. EPPES reported a bill for the relief of Joseph W. Page; which was read twice, and com-

mitted to a Committee of the Whole on Thursday next.

Mr. KENT, from the Committee for the District of Columbia, reported a bill to extend the charter of the Farmers' Bank of Alexandria; which was read twice, and committed to a Committee of the Whole on Friday next.

Mr. PLEASANTS, from the Select Committee, reported a bill authorizing a subscription for the Laws of the United States, and for the distribution thereof; which was read twice, and committed to a Committee of the Whole on Monday next.

On motion of Mr. McKEE, of Kentucky, the bill granting further time to the purchasers of public land to make payment for the same, was passed through a Committee of the Whole, and was ordered to be engrossed for a third reading.

ADDITIONAL RIFLE CORPS.

The House resumed the bill yesterday under consideration, to raise three regiments of riflemen; the amendment moved by Mr. RIDGELY under consideration, viz: to authorize the conversion of three regiments of infantry into riflemen.

Mr. W. S. SMITH, of New York.—I cannot but express my astonishment, Mr. Speaker, at the proposition now before the House, and the apparent embarrassment of the honorable Committee of Military Affairs, most clearly originating from the want of specific details from the Secretary of War. Had that gentleman, Mr. Speaker, when the raising of sixty-three thousand men was authorized by law, well digested the just component parts of an army, and directed the minds of the honorable Committee of Military Affairs to the correct organization of such proportions of infantry, rifle battalions, light dragoons, park and horse artillery, as are appropriate, the honorable committee would have been freed from embarrassment; but, in the present stage of his military arrangements, it is found, that after the House have been enticed to vote the sixty-three thousand, originally stated as competent not to the exigencies of the nation, but simply within the wishes of the Administration, behold three additional rifle regiments are demanded, not exceeding three thousand men, officers included; and I now find laid on my table a proposition to add to this immense mass ten other companies, under the interesting title of sea fencibles.

If the honorable Secretary had had time, detaching himself from the immense pressure of public business, and the necessity he finds himself under to look forward into the womb of futurity to guard our country from further threatened military disasters, and perhaps political misfortunes, closely to have contemplated the necessity of regularly organizing the Army, perhaps he might have been persuaded that the Army being formed into legionary corps would be best calculated to answer the military exigencies of our country; for, whether operating on the margin of the Atlantic for defensive purposes, or on the northern frontier for offensive operations, they might have been found best adapted to the objects

of the war. I must confess myself, Mr. Speaker, partial to this organization. Such corps, containing all the component parts of an army, may be more promptly augmented by the introduction of reinforcements to any arm, which, in the opinion of the commanding General, may require additional strength, than any other arrangement. And if ever the sad alternative is to be resorted to, of a national conscription—which has been alluded to by an honorable gentleman on this floor, and soils the columns of the National Intelligencer of this day—by interspersing judiciously the conscripts presented with the regularly disciplined regiments of the line, they will soon become regular soldiers, under the protection of the beneficial influence of your correctly formed battalions, and thus to be promptly competent to render to their country the most stern and efficient military service. But, for my countrymen, I solemnly hope we shall never be required to submit to such a degradation, contrary to the principles of our inestimable Constitution, and insulting to the honor and dignity of the free-born sons of Columbia.

But, Mr. Speaker, when contemplating the expansion of this subject, I hope I shall be excused in expressing my apprehension, that my country cannot sustain the enormous burden proposed to be imposed on it. For myself, believing the extension of the proposed military establishment not primarily essential to the honor and dignity of my country, or necessary to the preservation of its liberties and independence, I must be pardoned in withholding my sanction from the pending bill. If the honorable the Secretary of War means to tread in the steps of his predecessor, the burden may be lessened. He, when authorized to raise an army of twenty-five thousand men, raised his Major General first, and, counting down to the extremity of his rank and file, produced the extraordinary twenty-five thousand and one men. Thus he pointedly marked the honorable Major General Henry Dearborn as an odd man—and odd man he always will remain; and unless my guess fails me, be protected by the Administration, however a few months past it might have appeared contrary to the wishes of the Secretary of War, or the flattering expectations of the honorable Major General Lewis. I have often, Mr. Speaker, heard of a man amongst a thousand; but it was reserved for Dr. William Eustis, late Secretary of War, to designate his friend Dr. Henry Dearborn as one among twenty-five thousand.

But, Mr. Speaker, your present Secretary of War, being an officer of acknowledged superior talents and calculating abilities, will consider the law authorizing the raising of sixty-six thousand men, as that number of combatants, properly armed and accoutred for efficient field service; he will therefore properly officer his force, and agreeably to his former statement, that four thousand men is the appropriate command of a major general. It will appear from his communications, that he has a surplus of two thousand not calculated to be embraced within his military

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views; for his sixty-six thousand men, independent of the important appointment of a lieutenant general, with his necessary paraphernalia, will receive sixteen major generals, thirty-two brigadier generals, sixty-four colonels, one hundred and twenty-eight lieutenant colonels, two hundred and thirty-six majors, nine hundred and eighty-four captains, nine hundred and eighty-four first lieutenants, nine hundred and eighty-four second lieutenants, nine hundred and eighty-four third lieutenants, nine hundred and eighty-four ensigns, sixty-four surgeons, two hundred and forty-six surgeon's mates, thirty-two brigade chaplains—*God save the people!*—one hundred and twenty-eight drum and fife majors, one thousand nine hundred and sixty-eight drummers and fifers, four thousand nine hundred and twenty sergeants, seven thousand nine hundred and seventy-two corporals—for corporals are not now, as in former service, to be considered in the rank and file—and sixty-six thousand rank and file; making the handsome aggregate of eighty-six thousand seven hundred and thirty-six.

Mr. Speaker: Further to elucidate the immensity of expense contemplated, if the expense has ever before been calculated, and thus, at one view, to unfold to my constituents and to the nation at large the reason of my declining to vote for these measures, I submit to the consideration of this honorable House the calculation of the requisite means, predicated upon the ground that the war shall be only of nine months' duration, or perhaps a shorter space of time. As your sergeant majors, your drum and fife majors, and inferior grades, are subjects of enlistment at the bounty of one hundred and twenty-four dollars per man, your first advance of money must necessarily be \$10,042,512. The allowance to your recruiting officers, or other persons, who may present an able-bodied man, \$971,826. Your bounty in land of one hundred and sixty acres each, at two dollars per acre, is \$25,916,160; clothing and accoutrements, at seventy dollars per man, \$5,660,160; pay for officers and soldiers, for nine months, at the moderate average of fifteen dollars per man, is \$11,705,040; subsistence and forage, including expense of transportation, \$10,000,000; tents and camp equipage, \$5,000,000—making a grand total, and a grand total it may well be called, of \$69,304,698.

But it appears, Mr. Speaker, that the expenditure of the War Department for fifteen thousand men, the last campaign, exceeded twenty millions, besides what yet remains to be paid. By the same ratio, eighty-six thousand men, for the same space of time, will exceed one hundred and seventeen millions; so that the statement I have made, especially considering the enormous increase of bounty, is about one-half of the probable cost to be incurred.

My objections, Mr. Speaker, to give the sanction of my vote to this tremendous accumulation of debt upon my constituents, and my country at large, cannot certainly be attributed to me as springing from the want of that glow of patriotism, which at times so interestingly animates

the majority of this House; my individual patriotism, I flatter myself, never has been, nor at present can be doubted.

My family presents four brothers, two of whom, with myself, bore arms, and were honored with distinguished commands through the Revolutionary war, from its commencement to its conclusion; and the fourth bore the commission of a first lieutenant in the army disbanded by Mr. Jefferson, where he had the honor to command the Union Brigade. But I will refrain at present from further observations, reserving to myself the right, at no distant day, of submitting to the consideration of this honorable House two resolves, connected with some remarks, preceding the passage of the proposed bill, authorizing the appointment of a Lieutenant General, and shall then consider myself doubly complimented should I enjoy the very flattering attention from this honorable House, which I have, on this occasion, been so particularly honored with.

Considerable further debate took place on the amendment, in the course of which Messrs. FARROW, of South Carolina, BURWELL, of Virginia, CULPEPER, of North Carolina, TALLMADGE, of Connecticut, supported, and Mr. TAYLOR of New York opposed it.

In the course of this discussion Mr. TALLMADGE moved to recommit the bill to the committee who reported it; which motion was negatived.

Mr. RIDGELY's amendment having been so modified, on suggestion of Mr. DESHA, as to authorize the conversion of five instead of three regiments into riflemen, the question thereon was taken by yeas and nays.—For the amendment 97, against it 55, as follows:

YEAS—Messrs. Alexander, Archer, Bard, Barnett, Baylies of Massachusetts, Bayly of Virginia, Bigelow, Bowen, Boyd, Bradbury, Breckenridge, Brigham, Brown, Burwell, Caperton, Calhoun, Champion, Chapell, Cillely, Condict, Cooper, Cox, Crawford, Culpeper, Davenport, Davis of Massachusetts, Davis of Pennsylvania, Dewey, Ely, Eppes, Farrow, Findley, Forsyth, Franklin, Geddes, Glasgow, Goldsborough, Grosvenor, Hale, Hall, Hasbrouck, Hawes, Hopkins of New York, Howell, Hufty, Hungerford, Ingham, Jackson of Rhode Island, Kent of New York, Kent of Maryland, Kerr, King of Massachusetts, King of North Carolina, Leferts, Lewis, Lovett, Lowndes, Macon, Markell, McLean, Moffit, Moore, Moseley, Pearson, Pickering, Pitkin, Post, Potter, John Reed, William Reed, Rea of Pennsylvania, Richardson, Ridgely, Ringgold, Roberts, Robertson, Schureman, Seybert, Sheffield, Shipherd, Smith of New York, Stanford, Stockton, Sturges, Taggart, Tallmadge, Thompson, Vose, Ward of Massachusetts, Webster, Wheaton, White, Wilcox, Wilson of Massachusetts, Winter, Wood, and Yancey.

NAYS—Messrs. Alston, Anderson, Avery, Butler, Caldwell, Clark, Clopton, Comstock, Conard, Creighton, Crouch, Denoyelles, Desha, Earle, Evans, Fisk of Vermont, Fisk of New York, Forney, Gholson, Griffin, Grundy, Harris, Hubbard, Humphreys, Irwin, Jackson of Virginia, Johnson of Virginia, Kennedy, Kershaw, Kilbourn, Lyle, McCoy, McKee, McKim, Montgomery, Nelson, Newton, Ormsby, Parker, Pickens, Piper,

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Pleasants, Rhea of Tennessee, Rich, Roane, Sevier, Skinner, Smith of Pennsylvania, Tannhill, Taylor, Troup, Udree, Williams, and Wilson of Pennsylvania.

Mr. KING, of Massachusetts, then spoke at large in reply to some animadversions, principally by Mr. RHEA, of Tennessee, on a former speech; and Mr. RHEA replied. The SPEAKER checked this debate for its personal, desultory, and inapplicable character.

On motion of Mr. RICH, of Vermont, the bill was further amended, so as to leave it discretionary with the Executive, as he may deem it expedient, to make use of the authority vested by this bill or not; and, having been thus amended, the bill was ordered to a third reading without opposition; and was subsequently read a third time and passed.

AMENDMENT TO THE CONSTITUTION.

On motion of Mr. JACKSON, of Virginia, the House resolved itself into a Committee of the Whole, and took up Mr. JACKSON's motion to amend the Constitution, so as to vest in Congress the power to lay a duty on Exports, to make Roads and Canals, and to establish a National Bank, &c.

Mr. JACKSON, of Virginia, addressed the Chair as follows:

Mr. Chairman: Amongst the jarrings and excitements of party spirit, it is somewhat consolatory that we can occasionally discuss a subject which cannot justly involve them, and which enables us to examine it upon a broad scale; where the objects of all are to decide as the public good shall require—a decision which, outliving the present distinctions of party, is made upon grounds applicable to the fundamental principles of our Government; which promise to exist when present parties and present feelings shall only be remembered by the historian who may come after us, and write for succeeding generations. The questions before the committee are unquestionably of that character, and I shall regret to find any honorable gentleman disposed to discuss them, or decide on them, with a view to party feelings, or local considerations, which necessarily compel us always to take a contracted view of great subjects, and come to a conclusion incompatible with reason and sound policy.

Whilst I reverence the Constitution, and regard it as the sublimest effort of man to preserve his rights, and admit that amendments should have the sanctions of reason and propriety in their favor; yet, when these require them, they should be made with promptitude and alacrity. The cause of prohibiting the imposition of a tax on exports, by the Constitution, is not to be collected from any contemporary proceedings, that I have seen. The writings and speeches of that period are silent upon the subject; and it is only to be found in the willingness to increase the general apprehension that the new form would tend to annihilate the State sovereignties, and consolidate all into one Government. Jealousies the most unreasonable were entertained and excited; and, in obtaining the sanction of the States to this

invaluable charter, prejudices, partialities, and fears, were to be consulted.

It was the policy of that period, and a wise one too, to grant no more than was essential to set the machinery of Government in motion, and to provide for enlarging the grant by incorporating a power of amendment, to be used as experience and propriety might require.

And this brings me to the main question:—Is it wise to authorize the imposition of a tax on imports?

In deciding this question, I assume it as a fundamental principle, that the various portions of the community should pay, in the compound ratio of wealth and numbers, an equal proportion of the money collected for the benefit of all. And this will be promoted by taxing exports, if the duties fall on the grower of the produce, or manufacturer of the article exported; and in that event is not liable to objection, unless in its operation the tax is exclusively paid by him—is beyond his just quota, and therefore is oppressive.

I contend that all indirect taxes, such as imposts, excises, export duties, &c., fall exclusively upon the consumer, the duty being added to the price by the dealer in the article. In relation to the impost, we know the fact to be as I have stated. The merchant collects it from the consumer, and pays it to the collector; and collects it too with accumulated profit to himself—for he always charges these impositions as part of the price given, and adds his per centage upon the aggregate sum.

In England, notwithstanding manufactures are a main branch of national wealth and industry, and are fortified by all the legislative sanctions and encouragements that can be bestowed, an export duty is laid upon all the products and manufactures of the nation; and it has not been found prejudicial to those interests, because of the inevitable consequence which I have stated.

In a political and commercial view, the possession of this power is indispensable to place our Government on terms of equality with other nations. I take it to be a correct position, that no nation is in the habit of purchasing the manufactures or products of another, unless at prices less than they can be raised or fabricated by such purchasers. The commercial intercourse depends indeed as well upon the purchase of such articles as of others, which cannot be raised or procured on equally favorable terms in any other quarter. Commercial treaties are made solely with a view to giving facilities to this interchange; and whilst a nation with whom we may treat concerning it possesses the power to subject such of the necessities or luxuries of life which we may be induced to purchase, can impose a burden upon them, which we cannot in like manner impose on such as we barter in exchange, it is obvious that we are deprived of the use of an instrument of all others the best adapted to produce a perfect reciprocity. Our commerce too may be fostered by discriminating export duties, which are authorized by the laws of all other commercial nations.

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It may be urged that a tax on exports, the produce of the soil, will fall exclusively upon the agriculturist, and should never be imposed, or the power to lay it given; and indeed this is the only argument that I can anticipate in opposition to the measure.

To this objection I offer two answers—

1st. In a great territory like ours, from the nature of things, the agricultural interest will at all times predominate; it will occupy the front rank in pre-eminence; commerce and manufactures will contend for priority in the second grade, but neither will ever usurp the place of the former; and it may be safely left with the representatives of the people to guard the products of the soil against impositions tending to depress their value.

But, secondly, the idea I have advanced, which does not require elucidation, that the tax is paid by the consumer, is a complete answer.

Nor do I believe it will diminish the consumption of exports. They, as already urged, are not received of choice, but from necessity, and are even prohibited by others when they only hope to be able to live without them. Witness the British regulations in the West Indies, and the proclamations occasionally admitting into their ports the necessities of life.

I have, however, another view to present, which may be urged with confidence of approval, although it contains an admission that the tax may fall on the grower of the article. The proposition to tax exports is connected with one to open roads and canals in our country. I wish to apply the tax to these great objects; their utility is admitted by all—their importance is denied by none.

Imagine, sir, this vast world of ours, comprehending the climates of all the world, connected by inland navigation and turnpike roads in all its parts; the products of the South and West interchanged for those of the North and East, through the whole interior of our country, at prices less than the present charge of transportation between those places. New cities, towns, and villages, springing up as if by magic, in regions where the voice of civilization has scarcely been heard; see the whole interior smiling under the influence of a system which dispenses almost equal value to the labor of man wheresoever employed, and all the conveniences of life in every quarter.

The political effect of such improvements presents a prospect, too, equally flattering. The various great divisions of our country will be consolidated in interest and in feeling; geographical distinctions will be broken down and forgotten. By mixing together, we shall lose those prejudices which names alone have excited; we will form early attachments and connexions, and become in fact, as in name, one family and one people.

What then so fit to defray the expenses of giving these advantages to the great landed interest as a tax upon the exports of its products? Let commerce support its Navy, and let agriculture defray the expense of opening roads and canals. I could dilate much upon this fruitful theme, for I have long contemplated it, as well with the

cold calculations of the arithmetician, as in the enthusiasm of warmer feelings, and the result is, a thorough conviction on my mind, that no subject within the scope of legislation is so well worthy of universal support. I could first show the points, and places, and facilities of connecting various sections and districts, by roads and canals, and then detail the advantages which they afford over communications by bad roads and obstructed water courses; but, sir, all know these, and if we seek for distinguished examples we need not go far to find them.

In regard to the question of a National Bank, the public mind is equally enlightened, and it is now admitted on all hands that the fiscal operations of the Government cannot be carried on without the aid of banks; and if so, common prudence points to the propriety of having the benefit afforded by one extensive institution, instead of a dependence upon many. Sir, it is well known that the military operations of the nation have, in some instances, been embarrassed for the want of such an institution, and that expenses have been incurred which would have been avoided if we had a bank upon the plan of the late Bank of the United States. In some quarters, the agents of Government could not sell bills without a discount, although the course of trade was usually at least one per cent. against those places, and in some instances, they were compelled to send wagons loaded with silver under a military escort. A National Bank, having the deposits of the national treasure, could afford to lend money on any emergency at six per cent., as the Bank of the United States often did; or it might be a condition in the charter that it should loan to a certain amount on such terms.

As it respects the people, the value of the institution would be great also. The bank notes now have a local circulation; out of that limit they will not pass, and, if remittances are to be made beyond it, the banks sell the foreign notes they may have at $\frac{1}{2}$ or 1 per cent. premium. The notes of such a bank, when counterfeited, could be sooner detected, and their circulation checked. Sir, I recollect that a member of this House from New England, some years since, made inquiry concerning a paper which he handed me, purporting to be a bank note of a Virginia bank, although no such bank ever existed. The bank capitalists of the States would find it to their interest to purchase the new stock, and convert their bank into branches of the National Bank.

I am fully aware, sir, that I have to expect opposition from gentlemen who agree with me as to the utility and importance of these objects of internal policy; but, believing that the power is already possessed, refuse to sanction a construction, tending, as they suppose, to impair the validity of the Constitution. To such gentlemen, I answer, that I am not disposed to express an opinion on these great questions, nor is it necessary to do so; it suffices to say, that the wisest and best men in the nation at all times differed upon them. It is a historical fact, that General Washington doubted much and hesitated for sev-

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eral days before he gave his approbation to the law establishing the United States Bank; although I have at no time heard of a doubt as to the propriety of possessing the power.

It is better to acquiesce in a construction contended for by those who deny the authority, than to assert and exercise it. The Constitution cannot be destroyed by a construction tending to diminish our legislative rights; whereas it may be by the exercise of a legitimate one, if the people think that the act is founded in usurpation.

It will be recollected that the Constitution is a limited grant of power—indeed all constitutions necessarily are so—and if the power be not granted, it cannot be exercised. Yet so jealous were the people of their rights, that of the twelve amendments made to it, one-half at least are prohibitory of the exercise of powers not granted, and declaratory of their reservation; and this objection was never opposed to these amendments.

In private life, the agent who shall honestly give a construction to his letter of attorney, which his principal denied was a just one, would not be esteemed as surrendering anything by asking for and accepting a new instrument expressly delegating the power. And, it will be truly unfortunate, if a large majority, nay almost all, concur in the belief that the power is useful and necessary, and yet from this diversity of opinion defeat the only means of insuring its exercise. Look at the report of the Committee of Ways and Means, on the petition from New York, and the course taken upon the question of renewing the United States Bank charter, and no one can doubt of the consequences.

When Mr. JACKSON had concluded, the Committee rose, and had leave to sit again.

MONDAY, January 31.

Mr. McKEE, from the Committee on the Public Lands, reported a bill for the renewal of a land warrant to George Shannon; which was read twice, and committed to a Committee of the Whole.

Mr. TROUP, from the Committee on Military Affairs, reported a bill to authorize the President to retain in service certain volunteer corps; which was read twice, and committed to a Committee of the Whole on Wednesday next.

Mr. TROUP, from the same committee, reported a bill making provision for the pay of two companies of rangers, organized for the defence of the frontier of the United States; which was read twice, and committed to a Committee of the Whole on Friday next.

Mr. ARCHER, from the committee appointed to examine the state of the Office of the Clerk of the House, made a report; which was read, and referred to a Committee of the Whole on Wednesday next.

The bill from the Senate, "to authorize the President of the United States to permit the departure of Paul Cuffee from the United States, with a vessel and cargo, for Sierra Leone, in Africa, and to return with a cargo;" was read

twice, and referred to the Committee of Commerce and Manufactures.

The SPEAKER laid before the House the following report from the Secretary of War:

WAR DEPARTMENT, Jan. 28, 1814.

SIR: Conformably to a resolution of the honorable the House of Representatives, of the 31st July last, requiring the Secretary of War to lay before the House a view of the unsettled accounts in the offices of the Accountant of this Department, and of the Paymaster of the Army, and to suggest measures to secure the accountability of public agents, and to prevent the accumulation of unsettled accounts connected with the War Department, I have to report, that a satisfactory view of the unsettled accounts in either of these offices has not been, and (agreeably to the enclosed statements of the Paymaster of the Army and of the Accountant) cannot be rendered by them within any definite period of time.

The better to secure the accountability of public agents, and to prevent the accumulation of unsettled accounts, I have the honor to suggest: 1st. That an office be established, in which all accounts, whether in specie or in kind, connected with the Military and Indian Departments, shall be adjusted, accredited, and settled, conformably to rules and regulations to be prescribed by the Treasury Department: and,

2d. That to render efficient the Pay Department of the Army, which is now best adapted to a small and peace establishment, and to secure the regular and punctual payment of the troops, a new organization be adopted, to consist of a Paymaster General of the Armies of the United States, with such Deputy, District, and Assistant Paymasters, as the exigencies of the service may require, neither of whom shall belong to the line of the Army.

JOHN ARMSTRONG.

The SPEAKER of the House of Representatives.

The report and documents were referred to the Committee of Ways and Means.

The House resolved itself into a Committee of the Whole, on the bill for the relief of Mary Philip Le Duc, (granting him additional compensation as translator to the Board of Commissioners at St. Louis.) The report of the Committee of Claims on this case having been read, the Committee rose and reported the bill, which was ordered to be engrossed for a third reading.

PAYMENT FOR PUBLIC LANDS.

The engrossed bill further to extend the time of payment to purchasers of public lands, was read a third time.

Mr. LATTIMORE, of Mississippi, spoke in support of the bill, and stated the causes which had combined to prevent the purchasers of public lands from complying with their engagements; and particularly supported a clause of the bill which was inserted in it in pursuance of a memorial of the Legislature of Mississippi Territory.

Mr. HALL, of Georgia, moved that the bill lie on the table, to enable him to inquire into certain facts which he wished to ascertain, respecting the sales of public lands, so far as such facts affected the interest of the State of Georgia in the sales of lands in the Mississippi Territory.

The motion was opposed by Mr. McKEE, of

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Kentucky, Mr. JENNINGS, of Indiana, and Mr. LATTIMORE, of Mississippi, and was negatived.

Mr. FORSYTH, of Georgia, then moved to postpone the consideration of the bill to Friday next.

Mr. McKEE opposed this motion, on account of the urgency of the bill; because the lands of those purchasers who were unable to comply with their engagements were daily reverting to the United States, and they merited and ought to receive relief.

Mr. TELFAIR, of Georgia, supported the postponement, on the same grounds of the interest which the State of Georgia has in the application of the proceeds of the sales of public lands in the Mississippi Territory.

Mr. ROBERTSON, of Louisiana, opposed postponement, and supported the claim of the purchasers in that Territory, from various obvious considerations, to relief, by an extension of their time of payment; an object which would be in a measure defeated by a postponement of this bill.

Mr. FORSYTH and Mr. TELFAIR spoke in support of the postponement, and in reply to Mr. McKEE and Mr. ROBERTSON.

Mr. FARROW, of South Carolina, spoke in support of the bill, and in reply to the gentlemen of Georgia.

The motion to postpone the bill to Friday next was agreed to.

AMENDMENT TO THE CONSTITUTION.

On motion of Mr. JACKSON, of Virginia, the House resolved itself into a Committee of the Whole on the state of the Union, and took up for consideration Mr. JACKSON's proposition to amend the Constitution.

No disposition appearing to debate the same, the Committee immediately rose and reported their agreement to said resolution, and the House took up the report.

The question having been stated on concurring with the Committee in their agreement to the first member of said resolution (granting to Congress the power of taxing exports)—

Mr. WRIGHT, of Maryland, conceiving this a subject too important to be lightly or hastily decided, and desirous that every member should deliberately weigh the vote he was to give, moved to postpone the further consideration of the subject to Monday next.

Mr. GHOLSON, of Virginia, concurred in this view, and expressed his hope that the postponement would take place.

Mr. JACKSON opposed the postponement. He had not, he said, expected or wished the question on the resolution to be taken without debate; nor did he believe, let the question be taken when it would, that it would be taken without two or three days' debate. But he wished it not to be delayed, as no more fit opportunity for discussion would occur, and an early decision was important if a decision took place at the present session; that, if agreed to by both Houses of Congress, the amendment might be laid before some of the State Legislatures now in session before they adjourned.

Mr. FINDLEY, of Pennsylvania, incidentally observed that he was in favor of the principle under consideration. When a member of the Pennsylvania Convention which accepted the Constitution, he was astonished that the power to tax exports was not given, as possessed and exercised by the Governments of other nations. He thought it proper then that Congress should possess the power, and he thought so still. He was willing to afford the time required for consideration, but wished the question to be discussed, even if the proposition was not agreed to, in order that the public mind might be more enlightened on it.

The motion to postpone the further consideration of the resolution to Monday next was decided in the affirmative—63 to 55.

MR. PICKENS'S MOTION.

On motion of Mr. PICKENS, of North Carolina, the House took up the report of the Committee of the Whole on his proposition to amend the Constitution, so as to establish a uniform mode of election, by districts, of the Electors of President and Vice President of the United States.

Mr. P. made a few observations additional to those made on former occasions in support of his object.

Mr. WRIGHT, of Maryland, spoke briefly in favor of the resolution.

Mr. GROSVENOR, of New York, in a short but argumentative speech, opposed the principle of the proposed amendment.

Mr. YANCEY, of North Carolina, in a neat and pertinent speech, supported the proposition, and replied to Mr. GROSVENOR.

Mr. RICH, of Vermont, also made a neat speech on the same side of the question; and,

Mr. WARD, of Massachusetts, made a few observations in reply.

The question on concurrence with the Committee of the Whole in their disagreement to the amendment, was decided as follows:

YEAS—Messrs. Alexander, Anderson, Avery, Bard, Baylies of Massachusetts, Bigelow, Boyd, Bradbury, Bradley, Brigham, Brown, Burwell, Champion, Cilley, Clopton, Comstock, Cooper, Cox, Crawford, Davenport, Davis of Pennsylvania, Denoyelles, Dewey, Earle, Ely, Eppes, Evans, Farrow, Findley, Fisk of New York, Forsyth, Geddes, Glasgow, Goodwyn, Grosvenor, Hale, Hall, Hasbrouck, Hopkins of New York, Howell, Hufty, Ingersoll, Ingham, Kerr, Kershaw, Kilbourn, Law, Jefferts, Lovett, Lyle, Markell, McCoy, Moffitt, Moseley, Nelson, Oakley, Pickering, Piper, Pitkin, Pleasants, Post, Potter, John Reed, William Reed, Rea of Pennsylvania, Roberts, Ruggles, Sherwood, Smith of Pennsylvania, Sturges, Tallmadge, Tannehill, Taylor, Telfair, Thompson, Udree, Vose, Ward of Massachusetts, Webster, Wheaton, Wilcox, Wilson of Massachusetts, and Winter.

NAYS—Messrs. Alston, Archer, Barnett, Bayly of Virginia, Breckenridge, Caperton, Caldwell, Calhoun, Chappell, Clark, Condict, Conard, Creighton, Crouch, Culpeper, Davis of Massachusetts, Desha, Forney, Franklin, Gaston, Gholson, Goldsborough, Gourdin, Grundy, Harris, Hawes, Hubbard, Humphreys, Hungerford, Irving, Jackson of Rhode Island, Jackson of Virginia, Kennedy, Kent of New York, Kent of Mary-

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land, King of Massachusetts, King of North Carolina, Lewis, Lowndes, Macon, McKim, McLean, Montgomery, Moore, Murfree, Newton, Ormsby, Parker, Pearson, Pickens, Rhea of Tennessee, Rich, Roane, Robertson, Sage, Sheffey, Skinner, Stanford, Taggart, White, Williams, Wilson of Pennsylvania, Wright, and Yancey.

Mr. HALL, of Georgia, who voted in the affirmative, rose to move a reconsideration, with a view to endeavor to obtain an amendment, which would make it acceptable to him, viz: to make the election uniform by general ticket, instead of by districts; but, before the question was put on this motion, the House adjourned.

TUESDAY, February 1.

A message from the Senate informed the House that the Senate have passed a bill "to prohibit the importation of certain articles, and for other purposes," in which they desire the concurrence of this House.

Mr. RHEA, of Tennessee, presented a resolution of the Legislature of the State of Tennessee, requesting Congress to pass an act more effectually to enforce the observance of an act of the said Legislature, entitled "An act to provide for the more equal apportionment of the direct tax, laid on this State by the Congress of the United States, among the different counties of this State."—Referred to the Committee of Ways and Means.

Mr. INGERSOLL, from the Committee on the Judiciary, reported a bill to authorize the erection of a penitentiary in the District of Columbia, and to provide the necessary funds therefor; which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. EPPES, from the Committee of Ways and Means, reported a bill to authorize a loan for a sum not exceeding — dollars; which was read, and committed to a Committee of the Whole on Wednesday next.

Mr. EPPES also reported a bill to authorize the issuing of Treasury notes, for the service of the year 1814; which was read twice, and committed to a Committee of the Whole on Thursday next.

Mr. EPPES also reported a bill for the relief of Stephen Girard; which was read twice, and committed to a Committee of the Whole on Saturday next.

Mr. EPPES also reported a bill for the relief of Daniel Macauley and Samuel Ralston; which was read, and committed to a Committee of the Whole on Saturday next.

A message from the Senate informed the House that the Senate have passed a bill "in addition to an act, entitled 'An act allowing a bounty to the owners, officers, and crews of the private armed vessels of the United States,'" in which they desire the concurrence of this House.

The unfinished business of yesterday being called up—

Mr. HALL, of Georgia, withdrew the motion he made before the House yesterday adjourned,

to reconsider the vote on Mr. PICKENS's resolutions. He said he was informed it was in the contemplation of some gentleman to originate a new and distinct motion embracing the object he had in view.

Mr. MACON, of North Carolina, said that he was about to lay on the table a motion, which scarcely required an introductory observation; because it must be obvious to every gentleman that there was no business now on the table to keep Congress very long in session. The situation of the country, in his opinion, demanded that Congress should be no longer in session than was absolutely necessary. He, therefore, laid upon the table the following resolution, requesting gentlemen to turn the subject over in their minds, and intimating his intention to call it up in a day or two.

Resolved, That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session, by adjourning their respective Houses on Monday the 7th day of March next.

The resolution was, according to Mr. M.'s wish, ordered to lie on the table.

On motion of Mr. LATTIMORE, of Mississippi Territory—

Resolved, That the Commissioner of the General Land Office be requested to state to this House such information as he may be possessed of relative to the ability and disposition of the purchasers of Public Lands in the Mississippi Territory to make payment for such lands as are, or soon may be, forfeited, in case they should be further indulged with time to complete such payments.

CONTESTED ELECTION.

On motion of Mr. FISK, of Vermont, the House resolved itself into a Committee of the Whole on the following report of the Committee of Elections, made some weeks ago, on the contested election of Mr. HUNGERFORD, of Virginia, viz:

"The Committee of Elections have, according to order, had under consideration the petition of John Taliaferro, contesting the election of John P. Hungerford, and report: That at the last session of Congress, a final report was made in this case, and it does not appear that the petitioner was apprized of, or expected that the parties would have been indulged with the admission of new evidence, and a further hearing at this session; yet, as the House had seen proper to refer the subject again to the committee, they felt bound to receive all proper testimony which should be presented to them, and accordingly received from the sitting member a number of depositions taken in July last, in pursuance of previous notice given by him to the petitioner, which support eleven of the votes on the poll of the sitting member not found on the land list nor supported by former testimony; adding these to the forty-three votes supported by him at the last session, gives him a majority of twenty-two over the petitioner. For a more particular statement of the poll, in this case, the committee beg leave to refer the House to the second report made thereon at the last session.

"But, after the most mature consideration the committee have been able to give this case, a majority are

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of the opinion that this election is void and ought to be set aside, because it was conducted in an irregular manner, contrary to the law of Virginia prescribing the manner of conducting such elections, as is more particularly set forth in the first report made in this case by the Committee of Elections at the last session, to which your committee beg leave to refer the House, and respectfully submit the following resolutions:

"Resolved, That the said election was illegal and ought to be set aside.

"Resolved, That John P. Hungerford is not entitled to a seat in this House."

The discussion to-day principally turned on a point incidentally arising in the consideration of the report, viz: whether, as the ground now presented by the report was solemnly decided at the last session to be insufficient to invalidate the election, it was competent to the committee again to present the same question? Mr. SHEFFEY, of Virginia, Mr. WRIGHT, of Maryland, Mr. PLEASANTS, of Virginia, and Mr. PICKERING, of Massachusetts, contended that the point was already adjudicated, and ought not to be again brought in question. Mr. FISK, of Vermont, Mr. GHOLSON, and Mr. JACKSON, of Virginia, and Mr. MACON, of North Carolina, on the other hand, likened this question to others frequently presented to the Legislature of private claims, repeatedly decided in different ways by one or the other branch of the Legislature, and for the fortieth or fiftieth time again presented to the Legislature, and acted on *de novo* by the House. This case, for instance, had been referred, *de novo*, and without reserve of any point, to the Committee of Elections, who had found it to be their duty to report, as they had done at the last session. Other points, relative to the legality of returns, the practice in the State of Virginia, &c., also entered into the discussion, which was prolonged to the usual hour of adjournment. Besides the abovenamed gentlemen, Messrs. WHEATON, and WARD, of Massachusetts, Mr. GROSVENOR, of New York, and Mr. KERR, of Virginia. Mr. ARCHER, of Maryland, Mr. *Condict*, of New Jersey, and Mr. PICKENS, of North Carolina, took part in the debate; those in *italic* in favor of the report, and the others against it.

The Committee rose at a late hour, and reported their disagreement to the report.

WEDNESDAY, February 2.

On motion of Mr. BURWELL, the petition of Amelie Eugenie de Beaumarchais, by James A. Chevallie, presented the 24th December, 1805, and all the papers relating to the claim of the petitioner, were referred to the Committee of Revolutionary Claims.

Mr. NEWTON, from the Committee of Commerce and Manufactures, reported a bill for the relief of Joshua Sands, which was twice read and committed.

Mr. KENT, of Maryland, from the Committee on the District of Columbia, reported a bill to incorporate the subscribers to the Union Bank of

Alexandria; which was twice read and committed.

FAILURE OF OUR ARMS.

A Message was received from the President of the United States, communicating a report of the Secretary of War, made in pursuance of the resolution of the House of Representatives of the 31st of December, calling upon the President for information relative to the failure of the American arms on the Northern frontier.

This report comprises simply an immense mass of documents of about six hundred pages, embracing the correspondence of the Secretary of War with Generals Dearborn, Wilkinson, Hampton, Lewis, Harrison, McClure, and other military commanders, and various correspondence between those and other officers of the United States Army. The Message and documents were ordered to lie on the table and be printed.

CONTESTED ELECTION.

Mr. FISK, of Vermont, from the Committee of Elections, made a report on the petition of Burwell Bassett, contesting the election of THOMAS M. BAYLY, now a representative from Virginia, favorable to the sitting member.

On motion of Mr. EPRES, it was ordered that Mr. Bassett have leave to occupy a seat on the floor of the House during the consideration of the report.

The House proceeded to consider the report of the Committee of Elections, when, after some discussion, the report was ordered to lie on the table. The report is as follows:

That, at the last general election in the State of Virginia for Representatives to Congress, the said Burwell Bassett and Thomas M. Bayly were opposing candidates in the district composed of Accomac, Northampton, Middlesex, Gloucester, Matthews, James City, Warwick, Elizabeth City, and the city of Williamsburg. From the polls in the said election, 1,072 votes appear to have been given in the whole district in favor of the sitting member, and 1,015 for the petitioner, giving the former a majority of 57 votes; whereupon he was returned as elected.

In canvassing the votes objected to on both sides, which were numerous, and, in many instances, involving questions of considerable intricacy, your committee have carefully examined the evidence presented to them, consisting of the land roll of the several counties, transcripts of records, depositions taken on reasonable notice, or admitted by consent of parties, and some parol testimony, with cases agreed, stating the points of fact relative to certain votes. On comparing these with the laws of Virginia regulating elections, your committee find 64 votes given to the sitting member by persons not qualified, and 63 votes given to the petitioner by persons not legally qualified, and two votes given to the petitioner which had been disputed, and therefore not counted by the officers conducting the election, were found to be legal, and ought to be added to his poll.

The petitioner objected to the legality of the votes given in the county of Accomac on the second and third days of the election. On examining that subject, it appears that one day only is allowed by the

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law of Virginia for holding the election, with an exception in the following words: * "If the electors who appear be so numerous that they cannot all be polled in one day, before sunset, or if, by rain, or rise of water-courses, many of the electors have been hindered from attending, the sheriff or under-sheriff may, by request of any one or more of the candidates, adjourn the proceeding on the poll until the next day," &c.

A subsequent law requires the poll, if once continued over to a second day, agreeably to law, to be held open also for a third day. It did not appear, nor was it pretended, that any rain had fallen, or that any rise of waters had taken place. The only question was, whether the other condition had happened on which the law authorized a continuance of the poll beyond the first day, with the effect of such continuance. It was proved that the election commenced early, and progressed very rapidly, and with no intermission, except such as appeared necessary in determining the right of disputed votes, and a small space occupied by a friend of the petitioner in addressing the people; that, toward the close of the day, voters became more rare, and, for half an hour previous to sunset, very few, if any, votes were given, insomuch that the sheriff proclaimed several times at the door of the court-house, that, unless other voters would come forward the election would be closed; that, about sunset, four persons appeared, and demanded the privilege to vote; two of these were deputies of the sheriff, who were present during the day, assisting in the election. It did not appear whether the remaining two had been present during the day, or had just appeared at that late moment. The sheriff continued the election over to the second day, at the request of the agent of the sitting member, though objected to at the time by the agent of the petitioner, as unauthorized and illegal.

From this evidence your committee were very clearly of the opinion, that the event did not happen, on which rested the authority of the sheriff to adjourn over the election; that the question whether more persons had appeared than could be polled on the first day, was a mere question of fact, allowing no discretion whatever in the officer, and that the subsequent proceedings were illegal, and that the votes received on the second and third days ought to be rejected.

It appears that 53 votes were given on those days for the sitting member, and four votes for the petitioner. Deducting these from the respective polls, and adjusting the same, it will result that 955 legal votes were given for the sitting member, and 950 legal votes were given for the petitioner, giving to the sitting member a majority of five votes; therefore, that the sitting member is duly elected.

Your committee, therefore, respectfully submit the following resolution:

Resolved, That the sitting member is entitled to his seat.

* In the case of Trigg vs. Preston, (third Congress,) one exception taken was, that the poll in Lee county was closed by the sheriff at about three o'clock, P. M., after three proclamations made, and that he refused to open it, though other voters afterwards appeared, and demanded the right of voting. The committee adjudged the election to have been legal, and say that "the sheriff appears to be vested with discretionary power to close the poll at any time after three proclamations made, and no voters appearing."

MARYLAND MEMORIAL.

Mr. GOLDSBOROUGH, of Maryland, presented the remonstrance of the House of Delegates of the State of Maryland against the measures of the Government, and particularly against the existing war; which was read, as follows:

To his Excellency the President of the United States, and to the honorable the Senate and the House of Representatives of the United States, in Congress assembled:

The House of Delegates of the State of Maryland, immediately representing the interests and the feelings of the people of the State, are impelled, by urgent impressions of public duty, to address the constituted authorities of the Union on the awful condition of national affairs, and the exposed and defenceless situation in which the State of Maryland has been hitherto left by the General Government, under the impending calamities of war.

The principles on which the national compact was founded are too recent in the recollection of the American people to require the aid of illustration at this period. It is well known that the weakness and incapacity of the Old Confederation to afford the means of safety and protection to the several members of the Confederacy, produced a prevailing sense of the necessity of some more efficient form of Government, invested with adequate powers to provide for the common defence, and promote the general welfare.

As an important concern of the general welfare, it was also anticipated, with confidence, that, under this form of Government, the just interests of commerce, connected as it is with the agricultural interest, and other occupations of an industrious community, would be faithfully and effectually preserved. To this reasonable hope and expectation we are chiefly to ascribe the sacrifices and concessions made by the navigating States, and more especially by our patriotic brethren of New England, in procuring the adoption of the Federal Constitution. The State of Maryland sincerely concurred in the ratification of that instrument; but her wise men who advocated her new system, it is presumed, would have been anxiously perplexed if they could have foreseen that this Government would prove, in its operation, no less incompetent or unavailing, for the purposes of common defence, than the Confederation which preceded it; while, on the other hand, it might become, in its course of policy, the destroyer instead of the protector of commerce, the inflicter of intense suffering instead of being the benign guardian of the public security and happiness.

More than nineteen months have now elapsed since war was declared against England. There is reason to believe that a much longer period has gone by since this fatal measure was first contemplated. We would ask whether there is any portion of the Union, with the exception of Long Island, more open and liable to the ravages of a maritime foe than the State of Maryland? And situated as it is, with the seat of the National Government on its confines, so accessible to a hostile force, is there any part of the continent which it could have been supposed would more obviously attract the active operations of an enemy, designing to harass the physical strength of the country, and to distract and frustrate the views of its rulers in their avowed plan of foreign conquest? Is there, in short, any section of the common league which, from various considerations of prudence and of duty, the General

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Government was more peculiarly bound to guard by ample and vigilant preparations for defence?

We are next constrained to inquire, what has there been done or provided, by the National Government, for the security of a State so peculiarly circumstanced against the visitations of a war which that Government had chosen its own time to declare, and which appears to have been familiar to its contemplation for a considerable series of years before it was actually declared?

If we do not say how little has been attempted for our protection, and in what way even that little has been rendered, it is because we wish not to publish our own humiliation to the world; and we would not betray the extent of our weakness to the enemy. It is because we are desirous of preserving a becoming measure of respect to the national authorities, while, in the exercise of a Constitutional privilege, we perform a requisite duty to our constituents, the freemen of Maryland, by making a frank representation of their complaints and dissatisfaction. The mere show of resistance, heretofore exhibited, having in fact rather tended to provoke than repel attack, the people on the exposed points of our shores despairing, after what has passed, of obtaining a sufficient defence from the Government, are becoming, in some parts of the country, inclined almost to regard with fear the approach of those semblances of military aid which are occasionally sent among them; because they have perceived that this casual parade, instead of giving them assistance in the hour of danger, rather invites destruction from an exasperated and unresisted foe, whose fury it is possible they might sometimes escape unnoticed. And yet, the history of the Revolution will attest that, in the most trying times of the Republic, the spirit of Maryland has never been surpassed in valor, fortitude, and fidelity.

If the war is to be continued, the miseries we have already endured may be tender mercies in comparison with those which are to be apprehended. A character of ferocity, unknown to the civilized usages of modern warfare, seems about to be given to this contest. The Government of the United States has distinctly announced its purpose of protecting the subjects of the enemy taken in arms while in the act of invading the territories of the Power under whose dominions they were born, and to whom their allegiance was naturally due; and this protection to British traitors is to be accomplished by a system of sanguinary retaliation which, in its consequences, may occasion the sacrifice of every American officer and soldier, the ignominious death of all our unfortunate countrymen who are now held as prisoners and hostages by the enemy.

In addition to this cause of apprehension, the example of useless barbarity displayed under the command of the General of the forces that lately abandoned Fort George, in Upper Canada, in committing to the flames the whole town of Newark, of which our army had been in the undisputed possession, may, in the course of a few months, bring upon our coasts the more direful vengeance which a powerful and enraged enemy can inflict, and may subject our towns, and villages, and farms, and habitations bordering on the water, to all the horrors of the most ferocious and extensive desolation.

We therefore earnestly entreat the national authorities to take these circumstances into immediate and serious consideration, to provide the means and munitions of defence, and to furnish a real efficient regular force, to be stationed in the State, so as to save its

property and its citizens from the worst evils and ravages of unrelenting hostility. The efforts of the State itself, for its own protection, have been already exerted in a manner necessarily burdensome and vexatious to its people; and the State has been compelled, in the course of the last year, to seek resources in its own credit for defraying the expenses of defensive measures, which it might well have been hoped would have been seasonably and adequately prepared under the superintending care and providence of the Government of the Union. The aggregate amount of expenses thus incurred is not now ascertained, as the accounts are not yet all liquidated, and there are vouchers still to be procured. But we trust that provision will be made by Congress for reimbursing these expenses, and others of a similar nature which may be unavoidably incurred; and that, as soon as a proper estimate can be exhibited, the heavy advances of money which the State may have been obliged to make, for purposes specially enjoined on the General Government by the terms of the Federal Constitution, will be promptly and fully remunerated.

Having briefly urged these considerations, there remains an indispensable obligation on this House, in compliance with the known wishes and sentiments of their constituents, to submit an earnest petition to the President and Congress of the United States for a speedy restoration of the blessings of peace, and an essential change in that mistaken policy whose effects are now so unhappily to be seen in the privations and afflictions of the land. It might be deemed intrusive, and it would be altogether irksome, to enter now into a minute examination of the causes of the present war. It is believed to be at this time sufficiently ascertained, that the flagrant deception of the French Government, practised in relation to the pretended repeal of its predatory edicts, was chiefly instrumental in producing a state of things in this country which unfortunately led us into the existing hostilities with England. The documents before Congress, during the last and preceding sessions, it is presumed, have conclusively shown that the alleged repeal of the French edicts, by the letter of the 5th of August, 1810, was only a conditional proposition, as its terms implied; and that there was no authentic form of a repeal of an earlier date than the decree of the 28th of April, 1811, which is expressly bottomed on the previous compliance of our Government with one of the conditions of the letter referred to, in enforcing the non-intercourse against England, by the act of March, 1811. This act was in conformity with the tenor of the President's Proclamation of the 2d of November, 1810, declaring "the fact," that, on that day, the French decrees were repealed, so that they ceased to violate our neutral commerce. It has become abundantly apparent, since the date of that proclamation, that, in point of fact, the French violations of our commerce were continued after that date, as, in point of form, it has also appeared that there was no absolute repeal until nearly six months subsequent to the issuing of the Proclamation; and that this formal repeal which, if timely used, might have produced the revocation of the British Orders, so as to prevent the present war, was not officially announced to our Government, or to its Minister at Paris, until more than a twelvemonth after the period at which it was dated. In the report of the Secretary of State, made to Congress on this subject at the last session, it is stated that the light in which this transaction was viewed by this Government was communicated to Mr. Barlow in the letter of the 14th

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of July, 1812, with a view to the requisite explanation. The notice taken of the subject in the letter of the Secretary of State to Mr. Barlow, of the 14th of July, 1812, thus cited, is to be found at the close of the letter, which concludes in these words: "On the French decree of the 28th of April, 1811, I shall forbear to make many observations, which have already occurred, until all the circumstances connected with it are better understood. The President approves your effort to obtain a copy of that decree, as he does the communication of it afterwards to Mr. Russell."

It is possible that Mr. Barlow might not have understood this paragraph as an instruction, "with a view to the requisite explanation." But, as the report of the Secretary further stated that Mr. Barlow's successor had been also "instructed to demand of the French Government an explanation," the people of the United States might have been induced to expect that this important matter would be fully developed; and we have therefore seen, with serious concern, by the late Message from the President to Congress, "that the views of the French Government have received no elucidation since the close of the last session." This concern is heightened by the recollection that, for a series of years past, an unhappy mystery has hung over the communications with that same Government, whose public outrages have violated all the rights of this nation, and have heaped upon those who administer its affairs every species of contumely and insult.

A review of these circumstances, so remarkably characteristic of French fraud, furnishes, in the opinion of this House, strong additional inducements for terminating this disastrous contest with England. As soon, indeed, as the foul artifice of the French ruler was disclosed, and, more especially, after the revocation of the British Orders was made known, we should have deemed it fortunate, if the Government had availed itself of the propitious opportunity of reinstating the relations of peace with the Power with whom we had been thus embroiled. The claim of impressment, which has been so much exaggerated, but which was never deemed of itself a substantive cause of war, has been heretofore considered susceptible of satisfactory arrangement in the judgment of both the Commissioners, who were selected by the President, then in office, to conduct the negotiations with the English Ministry, in the year 1806, and who now occupy high stations in the Administration. Believing that this and all other causes of difference might be accommodated between the two countries, provided the agents on both sides are actuated by a sincere wish for a just accommodation, we cannot but feel anxious for an event which would relieve the people from the pressure of those burdens, and losses, and dangers, that are now to be encountered without the prospect of attaining a single object of national benefit.

From the progress and occurrences of the war, as far as it has been conducted, it must be obvious that the conquest of the Canadian provinces is not to be effected without an immense effusion of blood and treasure. The conquest, if effected, we should be inclined to regard as worse than a doubtful boon. We want no extension of territorial limits; and the genius of our Republican Constitution is not suited to offensive wars of ambition and aggrandizement.

A war of this nature is calculated to introduce doctrines and habits, and evil passions, which are inimical and dangerous to the liberties and morals of the nation. To carry it on, the nation has been subjected to various

impositions, which will be more oppressive, because all the resources of trade are suppressed, and agricultural enterprise is deprived of its reward. The taxes are multiplied, while the means of payment are diminished, and the ordinary comforts and necessities of life are greatly enhanced on the consumer. To carry on the war, it has been thought advisable entirely to cut off commerce, and the bitter tribulation of the Boston port bill, of 1774, is again to be realized on an infinitely more extended scale. Upon the poor gleanings and remnant of trade, the more precious for being all that was left, the complicated rigors of the embargo act, lately passed, will complete, with an unsparing severity, the work of destruction which British cruisers could not accomplish.

The people whom we represent are suffering severely under the operation of this baleful policy, against which we would solemnly remonstrate; but when we cast our eye further, and look to its effects in another part of the continent; when we consider the still greater miseries of the people of New England, accustomed to live on navigation, and now deprived of the ordinary means of subsistence; when we reflect also on the aggravated causes of disgust to that invaluable people, who perceive that, by the formation of new States out of the limits of our ancient territory, they must necessarily lose all share of influence in the National Councils, where other interests, as they suppose, have already obtained an injurious ascendancy; when we meditate on the possible tendency of these irritations, added to all the difficulties of the immediate and general distress, although we have full confidence in the faithful integrity of our Eastern brethren, yet, as they are men, we are free to confess, these reflections render us deeply and doubly solicitous that peace should be restored, without delay, for the relief of the people, and the salvation of the Union.

Convinced, as we have been, that the war might have been avoided, and that peace might be restored without dishonor to the country, the present conjuncture seems to us highly favorable for a reconciliation with England, if it is fairly and honestly desired. The late auspicious events on the continent of Europe have humbled the power of the proud oppressor of the earth. With the malignity of the spirit of evil, he had stood on his "bad eminence," the scourge of the world, the disseminator of bloody discord and dissension among the nations. Wherever his arms or his arts could reach, he has been the fell disturber of the tranquillity and happiness of every region. If the sceptre of the tyrant is not irreparably broken, we may at least hope that limits are permanently set to his inordinate sway. We trust that "the wicked shall now cease from troubling;" and viewing him as the atrocious author of all the wanton and dreadful strife which pervades the old and the new world, we do hope that, his tremendous capacity for mischief being terminated or restrained, no barrier will remain against a renewal of friendly intercourse between those Powers that have been opposed to each other in battle array by the violence and frauds of the arch-enemy of human liberty. We would, therefore, ardently implore the constituted authorities of this nation, that the negotiations about to be instituted may be carried on with a just and earnest intention of bringing them to an amicable result; that the evils of this unprofitable and pernicious war may not be protracted; and that peace, with all its blessings and advantages, may soon be permitted to dawn again on our shores, to cheer the gloom of disquietude that now ex-

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ists, and to dispel the darker terrors of a tempest, which threatens, in its continuance, to consign the dearest hopes, the harmony, and the liberties of this united empire, to irretrievable destruction.

J. C. HERBERT,

*Speaker of the House of Delegates.*UPTON S. REID, *Clerk.*

Mr. GOLDSBOROUGH moved that the memorial lie on the table, and be printed.

A division of the question being called for, the question to lay the same on the table was decided in the affirmative, without opposition.

On the question whether it shall be printed, an animated debate ensued—a brief sketch whereof follows:

Mr. WRIGHT, of Maryland, first objected to the printing of the memorial, as well on account of the nature of its contents, as because he believed it to be unusual to print such papers not coming from the Legislature, but from one branch of it. He had understood a counter memorial was prepared by the other branch of the Legislature, and he was not willing the poison should be emitted without its antidote. He hoped that this memorial, fraught with everything that could disgrace the branch of the Legislature from which it proceeded, would lie until the memorial of the other branch was received, &c.

Mr. GOLDSBOROUGH said he saw no occasion for the remarks which his colleague had applied to this memorial. Mr. G. said in presenting it, and moving to print it, he had wished to avoid everything whatever which would call forth any unpleasant feelings or warmth of expression. It was but a proper mark of respect to a memorial from a legislative body in any quarter of the country, couched in decent terms, to print it for the use of the members. In regard to the epithets applied, he could only say that the gentlemen who had adopted this memorial would not feel themselves disgraced by any harsh expressions which that gentleman may choose to apply to it. He could assure his colleague that when the counter memorial should come from the other branch of the Legislature, he should hold himself bound to treat it with as much respect as he would this, however he might dissent from its contents. He would not inquire into the applicability of the term poison and antidote to these two memorials, or whether these terms would be more properly converted from the application given them by the gentleman; but he did contend that it had been the practice to print such papers, and that was the only question before the House. The propriety of the practice he considered demonstrable. Would any gentleman say that his own views of national policy were not in some degree affected by the state of public opinion throughout the Union? For his own part, he said, if he were to perceive that there was throughout the Union a general sentiment in favor of the prosecution of this war, he should feel his confidence in his own opinion against that war much lessened. It was obviously proper, therefore, that evidences of the popular sentiment so decisive as this paper should be placed fully in the possession of the members

of the House. He concluded by observing that he wished no peculiar distinction to be shown to this memorial, but wished it to receive the same treatment as had been given to others of a similar character.

Mr. WRIGHT said he did not distinctly understand the gentleman when he had alluded to the remarks he (Mr. W.) had made on this memorial, as not affecting him or the memorialists. [Mr. G. disclaimed entirely any personal allusion to Mr. WRIGHT; he merely meant to say the petitioners would not feel themselves disgraced by any harsh epithets applied to their memorial.] Mr. W. said he was happy in the explanation, as he did not wish to have any personal collision with that gentleman. Whenever a memorial was presented to this House, it was an undeviating practice, before acting on it, to ascertain whether it was couched in respectful terms. Now, Mr. W. said, he had a copy of this memorial in his hand, and he appealed to the gentleman himself and to the House, whether it was respectful, Mr. W. quoted from the memorial the following paragraph:

"If the war is to be continued, the miseries we have already endured may be tender mercies in comparison with those which are to be apprehended. A character of ferocity, unknown to the civilized usages of modern warfare, seems about to be given to this contest. The Government of the United States has distinctly announced its purpose of protecting the subjects of the enemy, taken in arms, while in the act of invading the territories of the Power under whose dominion they were born, and to whom their allegiance was naturally due; and this protection to British traitors is to be accompanied by a system of sanguinary retaliation," &c.

Yes. British traitors! American soldiers are so called, said Mr. W., while in the hands of the enemy, and subject to be tried. Are we to sanction any representation by our respect which justifies the British Government in taking these men, who are bound to us by every moral and legal tie, and whom we are equally bound to protect? He asked gentlemen whether they were disposed to sanction the murder of those innocent men by the British Government. Whilst presenting the same doctrines, this memorial speaks with an affectation of horror of the burning of Newark. Had the authors of this memorial forgotten, or did they wish to conceal the conflagration of Havre de Grace, Frenchtown, and Frederick, in Maryland, by the enemy? So far from finding fault with, they had not noticed these atrocities. Mr. W. asked if the House was prepared to give respect to an instrument like this from only half of a State Legislature, not sanctioned by half the members indeed of that one body, for it was signed by only thirty-seven out of eighty members. He hoped not; and he hoped, too, that instead of being suffered to lie on the table, it would, after consideration, receive its merits, and be thrown under the table.

Mr. PIRKIN, of Connecticut, was in favor of printing. He quoted precedents of various cases, in which resolutions passed by a single branch of

the Legislature of a State had been ordered to be printed. It was no reason against printing that the sentiments contained in any memorial did not coincide with those of the House. He wished this memorial to take the same course as had been given to other papers of a like nature.

Mr. McKIM, of Maryland, said he hoped this address would not be printed. What was it, and what did it purport to ask for? It was a paper produced by a majority of one branch of the Legislature of Maryland; it was not an act of the State, being from one branch only of the Legislature. He could not believe that the House would well sustain its dignity by solemnly ordering the printing of a paper of this kind, which asked for nothing which could well be granted. As to its prayer for peace, and apparent censure of the Government for not producing it, was it not known, he asked, that we had sent Commissioners to Europe with the view of obtaining it, and there were others on the eve of departure with the same object? The petition asked for no particular object; it was a general display of the sentiments of the individuals who voted for it, and entitled to no other weight than their individual names could give it. As another objection to printing it, Mr. M. quoted the indecorous language it used to a nation, with whom, although there are points of litigation between us, we have amicable relations. The memorial called for peace; its tendency must be to delay it, and such must be the tendency of that sort of opposition now made to the measures of the Government.

Mr. GOLDSBOROUGH again spoke in support of his motion. He did not conceive the terms of the memorial to be indecorous. His colleague had considered the term "British traitors," as applied to our own citizens taken in arms. Was that the fair and direct interpretation of it? He conceived not; and in corroboration of his construction of it, stated as a fact that when the British attacked Havre de Grace, six seamen deserted from them, all of whom immediately enlisted into our army. In the eye of the law, were not these men traitors? And if we hazard the lives of our citizens to protect such men, would it not in fact be protecting British traitors at the hazard of their lives? And on what ground, Mr. G. asked, had this system of retaliation been commenced? Certain persons who had been considered by the British Government as guilty of the crime of treason against their country had been sent home to their own country, there to be tried by a court and a jury, and receive the sentence of the law; and the House of Delegates of Maryland had presumed to say, that to retaliate the punishment inflicted on them would be to hazard the lives of native Americans for the protection of British traitors. Was not this a subject with respect to the policy of which honest and honorable men might fairly differ in opinion? Mr. G. said he had no doubt many honorable men in this nation considered the conduct of the Government as wrong in this respect, and that many officers of the Army (as the reporter understood him) viewed this policy with alarm. As to the prac-

tice in relation to memorials similar to this, Mr. G. threw himself on the recollection of gentlemen for precedents, &c. As to the particular object demanded by the memorialists, he said they called upon the Government for remuneration for losses and protection against future ravages of the enemy. And were not their demands entitled to the serious attention of the House? He conceived they were.

Mr. GROSVEHOR said that the question in itself was not very important, but it had been rendered so by the opinions and doctrines which had been advanced in opposition to the motion. Mr. G. asked upon what Constitutional grounds the objections to the motion were founded? Indeed, he said, they were of so novel and extraordinary a nature that they required to be met promptly and exposed fully. The very object and purpose of all petitions from the people or their State representatives was, to obtain a "redress of grievances," to complain of the oppressive acts of Government, and to pray for prompt and efficacious relief. The right to petition and to remonstrate was secured by the Constitution, under which alone gentlemen held their seats on that floor. For what were they to petition? For relief from oppressive and unconstitutional laws. Against what were they to remonstrate? Against all acts of Government which they might consider inexpedient, impolitic, oppressive, or unconstitutional. For these purposes, and with these views, the right to petition is woven in the very texture of our Government. The very security of the right in the Constitution thus to petition, and thus to remonstrate, was a Constitutional warrant for the people, whenever they supposed the Government had acted unconstitutionally, oppressively, or improperly, to state the facts, and the character of their acts, in plain and distinct language, to any branch of the Government. The object of this memorial was, to obtain relief against what the petitioners believed to be the improper, inexpedient, and unconstitutional acts of the Government; and surely, it would not be expected that a memorial for objects like these would speak in courtly and mawkish language of the very acts which, in their opinion, were of such a character. But, Mr. G. said, he was yet to learn that, in this free country, the courtly and slavish style of Eastern despotism was the appropriate language in which to address the Government. Respectful, decorous language was indispensable. Such language as one gentleman might hold when addressing another upon the great interests of his native country, upon the rights and wrongs of a free people.

But, said Mr. G., I demand of those who oppose this motion, to point out one expression justly offensive to this honorable House, in the whole memorial. I mean, sir, one expression unjustly or untruly implicating the honor, the dignity, or the character of this popular and independent branch of the Legislature. Not one is to be found. True it is, the House of Delegates of Maryland have spoken in language energetic and eloquent; in language dictated by the strong

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emotions excited by the unexampled sufferings of the State whose legitimate organ they are. They have spoken the language of freemen to the agents of freemen. They have approached you with no language of adulation or sycophancy, but in the tone of an independent people, conscious of their rights, and sensible of their wrongs; with the language of men who, in the true spirit of independence, felt that they had the perfect right to complain, to remonstrate, and to protest against the oppressive and ruinous measures of the Government. Sir, I never wish to see other language adopted by the people of America when speaking to their Government about their rights, their liberties, and the great interests of their Republic. From men of the political description of these petitioners, no other language will ever be heard. And will the immediate representatives of the people spurn them from this House because they do not speak in the feminine tones and lisping accents of Italian slaves? And will you smother their complaints, and their remonstrances, and their prayers, because they are not offered on bended knees? Will you stretch your citizens on the rack, and force them to writhe with grace, and to groan with melody? Will you stab them to the heart, and bid them die without one convulsive struggle? You attempt what you cannot perform. You aim at that which the laws of nature and your Constitution prohibit. No, Mr. Speaker, this beaten track of despotism will never be trodden by the free people of America. Never before has it been pointed out by this House as the only avenue through which the complaints and remonstrances of the people were to enter this hall.

Mr. G. asked the aged members of the House, who were here in the year 1793, whether they had forgotten the memorials then presented by several States, amongst which were Virginia and Kentucky, against the alien and sedition laws. Did not these memorials contain allegations that those acts were violations of civil liberty, and infractions of the Constitution? And, in those days of terror, Mr. G. asked, did the majority of this House ever indulge the unconstitutional notion that the memorials were indecorous, and the authors of them to be disrespected and abused?

No, sir, said M. G., these undignified doctrines and notions were reserved for these times, and for this republican majority. In these days, and by this majority, it is first discovered that the people of America, when they petition against what they most religiously consider to be oppressive, impolitic, and unconstitutional acts, may not call those very acts oppressive, impolitic, and unconstitutional. But, let me examine briefly the specific objections to the printing of this petition. If I understand them they are three.

First. It prays for no specific relief, and, therefore, there can be no practical result.

Second. It speaks disrespectfully of the Emperor of France.

Third. It charges the Government with attempting to protect British traitors.

Sir, said Mr. G., the memorial points you to

the sufferings of Maryland, the ravage of her towns, the ruin of her citizens. It points you to the scenes which convulsed that State, and shook even the massive pillars of this House, during the last Summer. It anticipates, in the language of truth and certainty, a reiteration of all their sufferings, more extensive, more permanent, and more bloody, if the war continues. It tells you that you have left them, and now leave them unprotected. It points you to the Constitution, where their title to protection, to ample and permanent protection is recorded. And then, it demands, in the plain, distinct, bold, yet decorous, language of independence, it demands that you send them that protection to which they are entitled. They stand on the very dome of the Constitution when they call on you to save them from the ravages of that enemy which your impolitic acts have created. Is here no well-founded complaint? Is it not notorious that, during the whole war, the whole State of Maryland has been open to the enemy, while hardly a soldier of the United States has been sent to their defence? Is here no specific relief demanded? Do they not demand that you no longer suffer them to be placed under the ban of the Republic? That, if you will continue this mad and unnecessary war, you shall afford them the protection which the Constitution guaranties? Can there be no practical result? Can you not, in an offensive war, defend your country from invasion and ruin? Is this not practicable? Then close the war at once. No longer present to the world the ludicrous spectacle of a nation grasping at conquest and aggrandizement, which is too weak and spiritless to defend her own soil from invasion and ravage. But the Emperor of France is disrespectfully reproached in this memorial. Be it so. Is it, therefore, disrespectful to this House? When did the honor, character, or dignity of this House become identified with the feelings and reputation of the fallen tyrant of France? When, and how, did this House become the guardian or defender of the tyrant's fame and character? In what page of the history of our Revolution can you find the language of adulation or complacency applied to the acts or the character of an usurper? Or, where in the Constitution and the laws of our country, where in the records of those fundamental maxims of liberty of speech, liberty of the press, or liberty of remonstrance, do you find it inculcated that truth is not to be boldly spoken of the tyrants and oppressors of the earth? Is there one reproach, one epithet applied to the tyrant, which his bloody ambition and his outrageous course of usurpation do not amply justify? Who will pretend it? I had thought, sir, said Mr. G., that the period had arrived when it was no longer considered a Republican duty to speak of the bloody oppressor in mild and adulatory strains. Let gentlemen not shudder at the animated language of this memorial, the vivid picture of the tyrant which is here portrayed. I will produce them an example behind which they may fortify their conduct, even though they should give the memorial to the press.

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[Mr. G. here read a letter, dated January, 1813, from Mr. JEFFERSON to an American gentleman, in which Bonaparte is described as the vilest tyrant that ever cursed the world with ambition and crimes. Mr. J. states that the tyrant "is deluging the earth with blood to obtain the reputation of a Cartouché and a Robin Hood. That the "vile abominations of the scélérat of France exceed all human execrations," &c., &c.]

Compare, said Mr. G., the memorial with the style of this letter, and the language of the former rises almost to compliment. You need not fear, then, to print the memorial. It is not a crime now to speak truly of the tyrant, and, if it were, here is absolution from the high priest of your sect. But, sir, I beg gentlemen to hesitate before they announce to the American people that their complaints and remonstrances are to be treated with neglect if they mingle in their memorials any reproaches against the arch disturber of the world. You will never convince them that it is a crime to paint in true and lively colors the ruthless conduct and the detestable character of a tyrant. And, if it be indeed a crime, either political, moral, or religious, the Lord in his mercy deliver a great portion of the people of this free country from the consequences of this sin! I speak both as to the past and the future, for there are people who have always spoken truth of him, and, unless I mistake the signs of the times, these truth-tellers will soon multiply to a mighty multitude among us. The letter I have read is ominous.

Let me conclude, said Mr. G., my answer to this objection by asking you whence arose your duty to protect the tyrant of France even from insult? But, if it be a duty, then it follows that you are bound to print the memorial, refer it to a committee, and, in the form of resolutions founded upon it, disapprove of its contents, and thus you will deliver the House from any expression reproachful to the French Emperor.

The last objection that I have noted is, that the Government is denounced for attempting to protect British traitors at the price of native American blood. And it was warmly asked whether American soldiers, taken in arms, fighting the battles of our country, were to be stigmatized as "British traitors?"

Why, sir, said Mr. G., it is never improper to call men and things by their own proper names. If British subjects were taken in arms against their country, they were, beyond all doubt, "British traitors;" and if we talk about it here until we shake the roof of this hall, still, such persons are "British traitors;" and when we have ransacked the English language, and heaped every vile epithet we can collect upon the British nation, still, such persons will remain "British traitors." The memorial, I presume, alludes to the following paragraph in the President's Message:

"The British commander in that province, with the sanction, as appears, of his Government, thought proper to select from American prisoners of war, and send to Great Britain for trial as criminals, a number of individuals who had emigrated from the British domin-

ions long prior to the state of war between the two countries, who had incorporated themselves into our political society, in the modes recognised by the law and the practice of Great Britain, and who were made prisoners of war, under the banners of their adopted country, fighting for its rights and its safety."

And then, the President states that to protect the persons thus sent to Great Britain for trial as criminals, he has ordered into confinement an equal number of British prisoners of war. The British General has retorted, and native American officers are now confined in Canada; all waiting the fate of these "British traitors." It was, no doubt, Mr. G. said, to this system of retaliation the petitioners alluded, when they complain that the President was attempting to protect "British traitors."

In the first place, said Mr. G., this House is in no way implicated by this allegation. Were, therefore, the charge as false as it is true, it would furnish no objection on our part to the petition. But is it not literally true? Look at the Message. These men, says the President, "had incorporated themselves into our political society." How? According to the laws of this country—under our naturalization laws? No. But, he continues "in the modes recognised by the law and the practice of Great Britain."

Sir, said Mr. G., there is just enough of ambiguity in the language of the President to create some doubt of his meaning in the minds of those who respect the man and condemn his principles. If his language, however, means anything definite, it means that the persons referred to had never been naturalized according to our laws, but only "in the modes recognised by the law and practice of Great Britain." It is well known that that "law and practice is wholly variant from our own. It follows, then, that in no sense of the terms are these persons American citizens, or entitled to any protection at our hands. For, it is an undisputed political axiom that they never can be "adopted into our political society" but according to our naturalization laws, passed under our Constitution. These men, it is apparent, never were thus adopted. What then was their political and national character? That of British subjects, beyond all doubt. When, then, they entered Canada in arms, they became "British traitors." And taken in arms, the British Government, to which they owed an unimpaired allegiance, had the perfect right "to send them to Great Britain for trial as criminals," and to punish them according to her own laws and usages as traitors to their king and country. When, therefore, the President adopted a system of retaliation to protect these men from punishment, by which native Americans are exposed to death, he did attempt to protect "British traitors" at the expense of American blood. The petitioners have told you the truth upon this subject; proved to be truth by the very language of the President himself; proved to be truth by the uniform current of evidence which has reached us from Canada. Whether, if these men had been incorporated into our political society by a process of naturalization

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known to your laws they still would have been "British traitors," is not now to be considered. Because, to me it is apparent from the Message itself, and I understand the fact to be, that no process of naturalization according to our Constitution and laws was ever executed in favor of these prisoners.

Were it necessary however to discuss such a case, I should not hesitate to say that, at best it is extremely doubtful whether any emigrations or naturalization can operate to sever the subject from his Government entirely and absolutely, without the assent, express or implied, of that Government. The law of allegiance is a municipal law; it is proved so to be, by all authors of celebrity; it is declared so to be by our courts—nay, when this subject shall come to be discussed, I pledge myself to prove that the present Chief Magistrate of our country, when Secretary of State, under the direction of his predecessor, has distinctly, clearly, and conclusively established it so to be, in an official document, addressed to our Ministers in London. If it be so, by what power or right can you repeal a municipal law of another country, and deliver her subjects from its binding force and operation.

If in your Constitution there was an article declaring that no citizen of America should sever the ties which bind him to his Government without its consent, what foreign Power could, by any law, render your citizens aliens, and protect them from the punishment of traitors, when taken in arms against you, within your own territory?

And if the Constitution of England contain such a provision, can your naturalization laws abrogate that provision, and protect traitors to England within her own territories?

[The SPEAKER said he thought Mr. G. was taking a range of debate which the question would not justify.]

Mr. G. said, his remarks were in answer only to those of other gentlemen—but he would range no further. Whenever, said Mr. G., the time shall come for a full discussion of this interesting subject, and come it must before the close of the session, the honorable gentlemen, who were now startled at the words "British traitor," might find many mistaken in their views. The bottom on which they now stood would fall out from under them, and they might be forced to betake themselves to the terra firma of sound principles and national law.

But surely, Mr. G. said, if those men had not been naturalized, they were British subjects, and when in arms against their country, were "British traitors."

They are so, said Mr. G., and whether they have been among us five years or one hour, is of no importance in deciding the principle. They may be punished by the British law as traitors; and if the President has adopted a system of retaliation, by which native American officers and soldiers are exposed to death, to protect those traitors from punishment, well may those petitioners, well may the whole people of America complain to this House, that the war is rendered

more ferocious by this bloody system of the Executive—well may they seek redress where alone it can be found.

And now, said Mr. G., I would appeal to this House, whether they would act wisely, liberally, and constitutionally, in refusing to print a memorial, because of objections like those he had endeavored to answer? How will you limit this right to petition? Suppose all the doctrines in this memorial to be false and unfounded, yet they are the doctrines and opinions of a branch of the Legislature of Maryland; they had a Constitutional right to present them to the House; they have done so, in language, elegant, forcible, perspicuous, and worthy of the manly character which belongs to them. Not a word disrespectful to this House is to be found in the paper. Obviously, then, you cannot refuse to print it upon any Constitutional principle, upon any maxim of policy, or upon the rules and usages which have heretofore prevailed in the House.

It prays relief against acts, in their opinion, oppressive, dangerous and unconstitutional; it prays protection from the enemy, which your declaration of war has created; it frankly and freely points out to you what they deem the errors, the mistakes, both in law and principle, both in language and conduct, in carrying on this unnatural war; it portrays in glowing colors the abominable character and conduct of the fallen tyrant of France, and offers you the liveliest congratulations that the world is rescued by his fall; it ardently prays for a speedy and honorable peace; it is a memorial worthy of American freemen. Let it be received and treated with Constitutional respect and decorum.

Mr. ARCHER, of Maryland, opposed the printing. He believed to print it, would be to show it a respect it did not intrinsically merit, and a disrespect to themselves which it was not proper for any individual, regarding his own rights and feelings, to manifest. It was not because the memorial contained sentiments different from his own, that he objected to the printing it, but because it conveyed expressions disrespectful to this body. The Government was accused of giving a character of ferocity to this war—of ferocity unexampled in civilized nations. Such an epithet applied by one individual to another, could not be otherwise regarded than as an insult; and certainly was not less so when applied to this House. It was further said in the memorial, that the Government, and this House as part of it, were the protectors of traitors. He asked whether the imputation of so disgracefully criminal an offence was not indecorous and disrespectful in the highest degree? He conceived it was. But these were not the only expressions of that character. It was also said that this Government was acting over again the disgraceful scenes of tyranny and oppression of the British Government, which caused the Revolution. This imputation, and the comparison of the Embargo law to the Boston port bill, he considered very exceptionable and unjustifiable. As to the abuse of the Emperor of France, he had nothing to say. He was

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perfectly willing that the House of Delegates of Maryland should keep him, if they pleased, for their own exclusive abuse—though he was willing to agree with them that he merited all they had bestowed on him. Mr. A. repeated, if the sentiments of the address were merely different from his own, he should not object to show them the respect of ordering the address to be printed; but, conceiving them disrespectful and unjustifiable, he could not consent to the motion.

Mr. ROBERTSON, of Louisiana, adverted to the letter of Mr. Jefferson, which Mr. GROSVENOR had quoted. Mr. Jefferson, he said, had been denounced by the Federal party, of which the gentleman from New York was a distinguished member; he had been stigmatized, for a series of years, as having been guilty of the most degrading subserviency to France; and now, the gentleman from New York had produced a letter from that great man, not for the purpose of bolstering up their stale and absurd charges of French influence, but to show that this man, who has been denounced as the head of the French party, indeed as having created it in this country, speaks in worse terms of the despot of France than even the memorial does. This letter, Mr. R. said, contained nothing but the impression of Mr. Jefferson, and of the Republican party, for a series of years past; there was nothing new in it, and this gentlemen themselves well knew who had clamored most about it; and, as proof of it, they now introduced this letter in support of their own right to abuse the French Emperor. There was a principle avowed by the gentleman from New York, to which Mr. R. said he was solemnly opposed. The gentleman had said that the charge in the memorial, that we are supporters of British traitors, is sustained by the President's Message, construed as he had chosen to construe it. Who are they, and what are the class whom we are to be denounced for affecting to support? Individuals permitted to leave their native country, whose laws do not forbid emigration, who have families here, and are fighting for the vindication and protection of everything desirable to man. Such men, the gentleman called traitors to the British Government. This principle Mr. R. considered to be novel, and as abominable as it was novel. There was no such principle recognised in general law, or even in the particular law of that ferocious nation, of which these men were said to be natives. The names of some men of this character occurred to him—of Sergeant Henderson, for instance, who so nobly distinguished himself on various occasions on the Western frontier. And were such men as these to be considered as traitors? When a man deserts the military and naval service of one country, and is found in arms against it, this individual might be subject to denunciation and punishment as a traitor; but not the man who has emigrated in violation of no law, taken up his domicile, and has a family among us, and who hires himself, or voluntarily engages, to fight their battles. Was such a person to be considered a traitor to a foreign country, and when taken fighting our bat-

ties to be abandoned as such? He hoped, before Government adopted or gentlemen advocated such a principle, they would reflect upon its monstrous iniquity generally, and its detestable injustice relative to the particular persons in question.

Mr. McKIM, in reply to the remark that this memorial prayed for further protection, observed that, as it was addressed to the President as well as to Congress, that part of it was applicable to him in whose hands the military force of the nation was vested, and not to this House, which had provided the necessary means. The gentleman from New York had asked, advertent to what he had said when up before, whether this House was to be the guardian of the rights or honor of a foreign monarch. Mr. McKIM answered no; but they were the guardians of the rights and interests of the American people; and if they sanctioned official denunciations of a monarch with whom we have amicable relations, which may injuriously affect those relations, they would act not well their part. This was what he meant.

Mr. GASTON, of North Carolina, adverted to the general spirit of dissatisfaction prevailing, as he said, among the people throughout the nation, who are much divided as to the policy of prosecuting the war, and the manner in which it should be prosecuted, which might be expected to produce memorials to this body. In such memorials, he admitted, there was a general respect due to this House, which required them to be conveyed in decent language. Much ingenuity had been exercised to find out some expression in this memorial which bound the House, in self-respect, to refuse treating it with the usual attention. The memorialists had, it was urged, stated that a character of ferocity was about to be given to this war, &c. And was not this true? Mr. G. asked. Permit me, said he, to say that I represent a people situated pretty much as the inhabitants of the seaboard of Maryland; that I feel most sensibly the truth of this part of the address; that my constituents feel it, and that their apprehensions are excited in a degree not inferior to that represented to exist in the Legislature of Maryland. The House of Delegates have, with becoming caution, forbore to say by whom this character of ferocity is given to the war; but they have stated a fact, to which the attention of this House and every branch of the Legislature ought to be conducted. It is an alarming fact, sir, that this war, unless checked by the timely interposition of Providence, or the prevalence of wiser counsels, is likely to desolate your whole coast, and leave your frontier a wilderness—the one smouldering into ashes, the other smoking with blood! Was it not likely that they should state this fact as a reason for demanding further protection? Was it to be said that the statement of this fact, which ought to be known and depended on, was disrespectful to the House? Far from it. He hoped the time would never come, when the simple statement of a fact would be considered disrespectful to the House. But, it was said that it was disrespectful to use the expression relative

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to the protection of British traitors. Was there anything improper in any country's protecting the traitors to its enemies? It was the duty of a country to protect the traitors of its enemies, to a certain extent, as far as regards the employment of spies, encouraging deserters, &c. But, he did suggest whether this principle was not carried too far, when sought to be secured at the hazard of native blood—when, to afford this protection, honorable native Americans are proposed to be devoted to an ignominious death. This was a subject to which the attention of the House and the Government was properly called; and he hoped an occasion would be sought, during the present session, for a full and fair inquiry whether it is expedient to carry it to this extent. Another expression, thought to be disrespectful to the House, was the expression in allusion to the embargo, that "the bitter tribulation of the Boston port bill of 1774 is again to be realized, on an infinitely more extended scale." What was this but announcing a fact, which men of reflection must acknowledge? What was that bill? It locked up a single port. But, a law is now enacted, which not only seals the harbor of Boston, but is productive of infinitely more general calamity than the Boston port bill. And, shall this mere statement of a fact be deemed improper to come from American freemen to the National Legislature? If this be indeed considered criminal, let us shut up our doors, close the farce of legislation, and go to our homes. He hoped, he said, the time would never come, when, to speak the language of truth, or to hear it spoken, would be incompatible with the respect considered due to the Legislature. Mr. G. repeated his hope that this memorial would be treated with respect, as such treatment would not involve the expression of any opinion on its merits.

Mr. CALHOUN, of South Carolina, rose, not to debate the mere motion before the House, which he did not consider worthy of a word, but to remark on a doctrine which ought not to receive the sanction of this House. The gentleman from North Carolina, by mere abstraction, overlooked the objectionable part of the memorial. He had said (and Mr. C. agreed with him) that the people have a right to state facts; and that it is a fact that the war is about to assume a character of ferocity—a fact in which the people of that State, of the whole American people, and of the world, are interested. It was not the annunciation of a fact, in itself true, that was objected to; but it was the character given to that fact, conveying a censure, not on the Government commencing in this ferocious spirit, but on the Government which is acting on the defensive. This was the objection—that it imputed the blame, not to the enemy, with whom it rested, but to the American Government. That this memorial should speak thus, was surprising; that it should meet with an advocate on this floor, was doubly surprising. In what manner does the memorial say, this work of retaliation is to commence? By our protection of British traitors. And to this, the gentleman had said, there was no objection.

Mr. C. said he knew but one case in which the protection of traitors was not objectionable. If a traitor of an enemy during war flees into this country, we are not compelled to give him up. But, that we are to protect "British traitors," by a course of retaliation, was what the President never thought of doing. To do so, would be a contradiction of every principle of a moral character. The gentleman from New York had intimated that the President, in his Message, had announced such a doctrine. Let the gentleman point it out. Mr. C. understood the Message only to embrace such as had incorporated themselves into our political society, according to our laws. Another part of the address, said Mr. C.—the allusion to the Boston port bill—the gentleman appears to think perfectly innocent. Sir, is a measure to be judged only by its effects? It is the motive which gives character to our actions. If the Boston port bill had been passed for a proper purpose, it had not driven us into the war of the Revolution. It was the motive which then, as well as now, has raised the American spirit to resist British violence and usurpation, and I hope ever will. The measure of embargo, Mr. C. said, had been resorted to as a part of a system to repel encroachments by the same enemy, after a lapse of thirty years, as before drove us to war by her injustice, &c. As to the abuse of the French Emperor, Mr. C. said he would, with the gentleman from Maryland, (Mr. ARCHER,) willingly leave it to the House of Delegates of Maryland to abuse him as much as they pleased; but, the correctness or propriety of their abuse of him must, like all other things, be determined by its motive. If they merely intended to express their aversion to French tyranny, he would agree with them; and so, he believed, would a great majority of the American people. It was not in this point of view he was disposed to object to this part of the address; but it was, that, in abusing the French Emperor, they wished to justify the opposite despot over the Channel—as regards this country, equally terrible and more hostile. Not only does this memorial abuse the French Emperor, but assigns his demerits directly, or by inference, as a cause why we should throw ourselves into the arms of England, our deadly enemy. Mr. C. said, for these and other reasons, he should not give his vote for printing this memorial.

Mr. GROSVENOR quoted again the President's Message, repeated and enforced his idea of the construction to which it was liable, and advanced many other ideas on the subject of allegiance, &c. As far as you can alienate citizens from their native country, so far you may naturalize them in a certain way which your Constitution and laws prescribe. But, unless they have gone through the process required by law, there is no pretence for saying that they are entitled to protection, at any rate without our territory. The memorial, therefore, correctly stated, that they were about to sacrifice native citizens to protect those who not being citizens of the country, never having become so, and being found in our armies,

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are British traitors. When this question should come to be fully discussed, as he hoped it would, gentlemen would find that the bottom on which they stood would fall out from under them. Mr. G. said he had serious doubts whether, according to the principles of public law, we can deliver a citizen from his allegiance to his native country; whether it was compatible with the interests of society that such a power should exist; and whether, if we adopt the principle, we can compel other nations to submit to it. He was not prepared to admit that the law of retaliation authorized the President to proceed as far as he had in this respect. At any rate, he contended that the doctrine he had advanced in his Message was founded on principles which could not be sustained. He pledged himself to prove that the President had recognised the principle in its fullest extent that the law of allegiance is a municipal law; and that when a nation finds its subjects within its own territory it may treat them as such, but cannot follow them into another's territory. This doctrine was contained in the instructions to Messrs. Monroe and Pinkney some years ago. Admit that principle to be correct—and it cannot be denied—and these men are traitors; and he trusted this House would never shrink from publishing to the world any document merely because it contained that fact. Mr. G. concluded by repeating and enlarging on some of his former arguments.

Mr. WEBSTER, of New Hampshire, spoke a few words in favor of printing. Having voted to receive the memorial, no additional respect would be shown by printing it, which followed nearly of course. If its statements were erroneous, it was a strong reason why it should be printed, that all might read it, and a day be assigned for its discussion.

Mr. EPES, of Virginia, entirely agreed with gentlemen on the other side of the House as to the right of petition belonging to every body of freemen in a legislative or any other capacity; and he would go further and say it was the duty of the Legislature, where its terms were respectful, to receive their representation, and give it such course as its merits required. The present paper was presented for no object, as was proved by the omission of a motion to refer it to any committee, and a motion was made to print it—for what purpose? Could the Legislature present its views in no other way to the people? Were his constituents to be taxed to print a memorial which stamps that war which they approve as immoral and unjust? A memorial which passes over all the enormities of the enemy and stigmatizes our own Government? If they wished a subject on which to display their indignation, let them turn to the scenes of Hampton and the River Raisin. Let them remember our citizens, yet bleeding of wounds received in defence of their country, handed over to be hacked and burnt by ferocious savages, by the authority of the British nation; and let them remember that even female beauty and innocence could not find protection from equally savage invaders—not

forgetting the towns on their own shores wantonly burnt by our atrocious foe. Could they find nothing on which to wreak their vengeance but on their own Government? Because it has passed a law to prevent traitors from furnishing our enemy with the supplies which are to enable him again to annoy us, its conduct is compared to that of the British Government in 1774. The object of the British Government was to deprive us of the rights derived from God and Nature; and if at that day a man had said, in Boston or any other port, that he would fit out a privateer, instead of fighting the enemy, to convey specie to the Indian Sea, he would have had the good old remedy of tar and feathers applied to his offence. The feelings of that day, Mr. E. said, had too much subsided; and it was too often the case that men were seen rising in this House and levelling their artillery exclusively against their Government. We have been told, said Mr. E., that we are protecting British traitors. We well know that one of the causes of the war was the claim set up by Britain to take naturalized citizens from our vessels. The gentleman from New York had questioned whether it was in the power of any community whatever to absolve any subject from his allegiance. What means our Constitution then? If you cannot absolve him from his allegiance, how or why naturalize him? Did the men who formed this Constitution entirely misunderstand the powers of civilized society? Did the party to which the gentleman himself belongs so far err when they acted under the Constitution, and never ceased to naturalize? Can it now be doubted whether there is a power in any community to naturalize a foreigner? The gentleman has come with his doubts too late; and has taken a most unfortunate opportunity to disclose them, when the nation is at war for this very right recognised in our Constitution, and dear to the people. The gentleman had drawn an inference from the Message neither warranted nor supported by fact. It was known, Mr. E. said, that among those on whom the British Government had wreaked its vengeance, were men who had been twelve years naturalized, who had left wives and children behind them here when they went to battle, and who were now threatened to be executed as traitors. And under these circumstances did gentlemen in this House tremble in their shoes, adopting the pusillanimous principle of the Legislature of Maryland, and address their prayers to the enemy beseeching him to spare them? If such a disposition prevailed, it was time to give up a country we were not worthy to inhabit. Mr. E. adverted to the President's Message, to which he conceived the gentleman had given an erroneous construction—and exposed what he termed the absurdity and inconsistency of the British pretension of perpetual allegiance. It had been said that a new system of retaliation had been adopted. It was as old at least, Mr. E. said, as the Revolutionary war; it had then compelled our present enemy to give up his infraction of the laws of war, and unfounded claims; and nothing

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but a want of firmness in this nation could now prevent the same result. When the British nation find that men in our own councils doubt the right to protect men regularly naturalized, who fight for their families and firesides, what will be their sentiment? In a moment of imprudence and frenzy they may put in execution their threats. No one will more than myself deplore the consequences; no man will weep with more sincerity over the patriot blood on one side, and the innocent blood on the other which will be shed; but in great questions of a whole people's rights, individuals must suffer. Although I would weep over his fate, I would not withhold the victim—because I would preserve the principle. As to this remonstrance, which, but for the notorious Allegany election—but for a single vote, might have been of a different character, the House of Delegates could find other means of disseminating it. It contained nothing new or that deserved printing; it was the mere commonplace trash daily circulated through certain presses in the country.

Mr. HANSON, of Maryland, said he rose with unfeigned reluctance to take any part in this debate, because he had not been in his seat until after the member who last addressed the House had commenced. The first objection to this memorial he had understood was, that the language was indecorous to this House; the second, that it reflected upon the General Government, in comparing the embargo to the Boston port bill. As to the first objection, Mr. H. said, the memorial did not contain one sentiment which any patriot in this country need not be proud to entertain, because it breathed the good old spirit of 1776. There was not a sentiment in that address, he said, which he was not ready to repeat in the teeth of the whole mercenary tribe of writers, (or something to that effect,) not one which he would not repeat in the face of the whole host of instruments and pensioners of the Court. Were not the people, Mr. H. asked, groaning under the pressure of the measures of Government? Look at the embargo. Had not Congress by that measure, justly compared to the Boston port bill, placed the whole commerce of the country at the discretion of a single individual? Had they not raised the Executive above the Constitution and laws of the country, as had been done in France, where the *gens d'armes* were placed in all the ports of the Empire to be the means of regulating commerce, where there was an extended system of espionage and it was made death to evade the regulations of commerce? They had placed the trade of this country in precisely the same situation as the commerce on the continent of Europe. All the Departments of Government, the Executive, the Legislative, and the Judicial, were, if he might be allowed to use the figure, thrown into a mortar, and, with this great majority for a pestle, his High Mightiness of the palace had beat and compounded them together, into a compound as poisonous as hellebore. A swarm of collectors, feeding and fattening on the bowels of the people, enforced a law which so far restricted commerce

that it was illegal for a vessel to clear out to go from Annapolis to Baltimore. Had not the people of Maryland then a right to complain, who have fought most bravely wherever they have met the enemy, who are always in the front rank in time of danger, for where danger is, there are their breasts presented? When the fleet of the enemy was in the Chesapeake bay, and the whole coast was in danger of invasion, and exposed to the ravages of the enemy, what was the conduct of the national Executive? A memorial was forwarded to him, setting forth the dangers to which the coast was exposed; and an answer was given, that, in a country so intersected with bays and rivers, it was impossible to provide for the defence of every point. When no sort of assistance was given to the State of Maryland, which felt so peculiarly the oppression of the measures of Government, had it not a right to complain? As to the address, the facts set forth in it were true, and known to be true; and if a single vote would have changed its complexion, had that been the case he presumed there would have been no objection to printing it; nor ought there now. Allusions had been made to men who were to be restrained, subjected to tar and feathers as traitors to their country. It was not difficult, Mr. H. said, to see what was the real objection to the poor indulgence asked to be extended to this address from Maryland. She had rendered herself odious to Administration. When this war was first declared, it was expected to hush opposition; she was the first to oppose the attempt—she raised ramparts around the Constitution, told you, you might beat down one barrier after another, but when driven into the citadel she would make one last effort. Her citizens were determined to resist, and while they had one drop of blood, to stand in so noble a cause. Mr. H. concluded by observing that the remarks made by the gentleman who preceded him had awakened sensations which the rules of the House forbade him, and the respect he now felt for the Chair prevented him from expressing.

Mr. MACON, of North Carolina, next rose, and stated the reasons why he should vote for printing the address; because, although he did not approve, he was not afraid of it. The question, however, involved no Constitutional right; Legislatures had the same right as other collections of people to address Congress, and no other—nor were they in his opinion entitled to more respect. As to the protection of traitors, if the persons spoken of were traitors, the great Bernadotte is a traitor; and so was George I. But it appeared that great men were not subject to the same laws as other men; that, as there is a species of men above fashion, so there is a species of men above law. He did not believe the memorial contained the truth, the whole truth, and nothing but the truth; and yet he was willing to print it. Nor did he believe in the prevalence of general dissatisfaction, which his colleague had imagined; for, taking the representation in this House as the best practicable criterion, he found nearly two to one in favor of the measures of Government. For

his part, he said, he always wished to see a strong minority; and the smaller the majority the stronger they were—and, paradoxical as it might seem, he had seen it so in this House. As to this character of ferocity to be given to the war, his colleague had not placed it to the proper account. If it did take place, it would be from the abominations of the most abominable Government that ever existed, and the most corrupt, living, he might say, on the corruption of its own vitals. Mr. M. adverted to the remarks on the embargo, which he defended—and, as to the war, quoted and repeated declarations on the other side a few years ago, that, if the Government would make old-fashioned war, they would join and go with them. How changed the scene, he said. He adverted too to the equality of operation of the embargo, which precluded the idea of its proceeding from local feeling. If it was wrong, it was as wrong to those who were its greatest advocates as to its greatest opponents. As to its being the work of back countrymen, it was done for the common good; and when in the Revolution the back countrymen went to Boston and shed their blood in its defence, a different sentiment prevailed there. It was never complained of the brave Morgan, when he went there, that he was a back countryman. He adverted to the ravages at Hampton in a feeling manner—higher crimes than were there committed he could not imagine. As to the right of naturalization, every nation, civilized or savage, red or white, had exercised it. He concluded by saying that truth would prevail over everything—he had seen it prevail when he had a sedition law in the country; and he had no fear for it now.

Some observations were made by Mr. W. REED of Massachusetts, and Mr. EPPES, concerning the fact alluded to of a privateer clearing out from Boston with specie. Mr. REED, by inference, entirely discredited the statement; which Mr. EPPES said he had no reason to doubt until it was contradicted by evidence.

Mr. CALHOUN spoke in explanation. He added that he was glad on one account, and sorry on another, that the gentleman from New York had spoken so distinctly on one point; that persons who had the plighted faith of the United States should not be protected; that persons who, under sanction of our laws, have forsworn foreign allegiance, and become citizens, should not be protected while fighting under our banners beyond our territorial limits. If this doctrine was entertained by the gentleman, he hoped it was confined to himself and had not many advocates, even in his own party.

Mr. GASTON, not imputing to Mr. EPPES the intention of any personal allusion to him in his remarks on what he called the pusillanimous fears of the Legislature of Maryland, explained what he had meant on that subject; not that his constituents feared to meet the enemy in fight, but they feared the progress of a system of cold-blooded retaliation, the idea of which must make all men of humane or generous feelings shudder.

The question was then taken on printing the

memorial, and decided in the negative—yeas 68, nays 92, as follows:

YEAS—Messrs. Baylies of Massachusetts, Bayly of Virginia, Bigelow, Boyd, Bradbury, Breckenridge, Brigham, Caperton, Champion, Cilley, Cooper, Cox, Culpeper, Davenport, Davis of Massachusetts, Dewey, Ely, Farrow, Gaston, Geddes, Goldsborough, Grosvenor, Hale, Hanson, Howell, Hufty, Hungerford, Kent of New York, Kent of Maryland, King of Massachusetts, Law, Lewis, Lovett, Lowndes, Macon, Markell, Miller, Moffitt, Montgomery, Mosley, Oakley, Pearson, Pickering, Pitkin, Post, John Reed, Wm. Reed, Ridgely, Ruggles, Schureman, Sheffield, Sherwood, Shipherd, Smith of New York, Stanford, Stockton, Sturges, Taggart, Tallmadge, Thompson, Vose, Ward of Massachusetts, Webster, Wheaton, White, Wilcox, Wilson of Massachusetts, and Winter.

NAYS—Messrs. Alexander, Alston, Anderson, Archer, Avery, Bard, Barnett, Beall, Bowen, Bradley, Brown, Burwell, Butler, Caldwell, Calhoun, Chappell, Clark, Clopton, Comstock, Condict, Conard, Crawford, Creighton, Crouch, Davis of Pennsylvania, Denoyelles, Desha, Earle, Eppes, Evans, Findley, Fisk of Vermont, Fisk of New York, Forney, Forsyth, Franklin, Gholson, Glasgow, Goodwyn, Gourdin, Griffin, Grundy, Hall, Harris, Hasbrouck, Hawes, Hubbard, Humphreys, Ingersoll, Ingham, Irving, Irwin, Jackson of Virginia, Kennedy, Kerr, Kershaw, Kilbourn, King of North Carolina, Leferts, Lyle, McCoy, McKee, McKim, McLean, Moore, Murfice, Nelson, Newton, Ormsby, Parker, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Roane, Robertson, Sage, Sevier, Seybert, Smith of Pennsylvania, Strong, Tanehill, Taylor, Telfair, Troup, Udree, Ward of New Jersey, Williams, Wilson of Pennsylvania, Wright, and Yancey.

THURSDAY, February 3.

Mr. GRUNDY presented a resolution of the Legislature of the State of Tennessee, requesting the Representation from that State in Congress, to endeavor to procure a public road to be opened from some point between the mouths of Pearl and Chefuncty rivers, by the way of the Cotton Gin Port, on the Tombigbee, to the lower end of the Muscle Shoals, on Tennessee river.—Referred to the Secretary of War.

Mr. INGERSOLL, from the Committee on the Judiciary, reported a bill to prescribe the mode of authenticating the public acts, records, and judicial proceedings, of the several States, and for declaring the effect of certain judicial proceedings; which was read twice and committed to a Committee of the Whole on Monday next.

On motion of Mr. IRVING, of New York, the Committee on the Judiciary were instructed to inquire into the expediency of providing by law for the better organization of the district court for the New York district, and that they have leave to report thereon by bill or otherwise.

Mr. GRUNDY, of Tennessee, from the Committee on Foreign Relations, reported a bill to provide for the return to their own districts of vessels detained by the Embargo in districts other than those where they are respectively owned or belong.—The bill was twice read and referred to a Committee of the Whole.

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Compensation of Militia—Volunteer Corps.

H. of R.

The bill from the Senate to prohibit the importation of certain articles, and for other purposes (prohibiting the importation of British manufactures of any description, and of the article of rum, altogether) was twice read, and referred to the Committee of Foreign Relations.

The bill from the Senate, in addition to the act allowing a bounty to the owners and crews of private armed vessels, was twice read and referred to the Committee on Naval Affairs.

The engrossed bill for the relief of Mary Philip Le Duc, was read a third time, and passed.

Mr. LOVETT, of New York, after some verbal explanation of his object, which sufficiently appears from his motion, moved the adoption of a resolution to the following effect:

Resolved, That the Committee on Naval Affairs be instructed to inquire whether John Clark, a Midshipman in the Navy of the United States, was slain on board the Scorpion, one of the vessels of the squadron under the command of Captain Oliver H. Perry, in the action with a British squadron on Lake Erie, on the 10th of September last; and, if so, to report to this House the reasons, if any, why equal honors should not be bestowed upon the services and memory of said *John Clark*, as upon those of other officers of like rank, who fell in that battle.

After some explanatory conversation between Mr. LOWMEYER, of South Carolina, who disavowed for the committee any intention to slight the memory of any one who had fallen on that memorable occasion, and Mr. LOVETT, the mover agreed that his motion for the present should lie on the table.

Mr. McKEE, from the Committee on the Public Lands, reported a bill for attaching to the Canton district, in the State of Ohio, the tract of land lying between the foot of the Rapids of the Miami of Lake Erie and the Connecticut Reserve; which was read twice and committed to a Committee of the Whole to-morrow.

COMPENSATION OF MILITIA.

Mr. TROUP, of Georgia, from the committee to whom was referred the memorial of the Legislature of Kentucky, made a report, and also reported a bill to amend the act providing for the widows and orphans of militia slain, and for militia disabled in the service of the United States. The report is as follows:

That a bill has been reported, providing compensation for horses killed in battle, or lost in the service of the United States; that a bill is herewith reported, making provision for the representatives of militia killed, or who have died in the service of the United States; that, with respect to so much of the memorial as prays compensation proportioned to extraordinary services and sacrifices, your committee respectfully submit, that militia cavalry, or mounted volunteers, in the service of the United States, are entitled to the same pay, subsistence, and forage, as cavalry in the regular army, and are moreover entitled to 40 cents per day for the use and risk of horses, when furnished by themselves. The committee express no opinion of the reasonableness or adequacy of this compensation; they find for the compensation of militia service a general legal provision existing, and they are not instructed to inquire

into the expediency of altering it. Your committee, however, do not hesitate to declare their conviction that the provision, whatever be the amount of it, ought to be general. Partial provisions adapted to the merits of particular cases, as they arise, would be inconsistent with military usage, with the practice of the Government of the United States, and would give rise to jealousy and discontent; the perfection of human wisdom and justice could not so appropriate pecuniary reward to military service, as to prevent this evil. The committee, therefore, cannot recommend to the House to consider of the expediency of granting augmented compensation to particular corps, who may have performed distinguished services. Among those who, during the present war, stand pre-eminent in this respect, are the gallant volunteers of Kentucky. The alacrity with which they repaired to the standard of their country; the zeal and firmness with which they persevered through a toilsome service, no less than the glorious and successful issue of that service, give the volunteers a just title to the liberality and gratitude of Congress. Your committee, however, whilst they concede to those claims a compensation for property lost, and a provision for the widows and orphans of those who have been killed, or have died, in the service of the United States, cannot, consistently with their opinion of the public welfare, recommend an increased compensation, proportioned to extraordinary military services.

VOLUNTEER CORPS.

On motion of Mr. TROUP, of Georgia, the House resolved itself into a Committee of the Whole, on the bill authorizing the President to retain in service certain volunteer corps.

Mr. TROUP stated the object and design of this bill. By a law passed in 1812, the President was authorized to accept the service of fifty thousand volunteers. Under this law, as many men as made up about six regiments, had been called into actual service, viz: one regiment in New Hampshire and Maine, two in New York, one regiment partly organized in Virginia, two in the State of Louisiana and the Mississippi Territory. Their terms of service were daily expiring—but a certain number yet remained in service. It had been understood that a certain portion of them, amounting to perhaps a thousand men, were willing to engage to serve during the war under their own officers. Many of the officers had proved themselves worthy, and entitled themselves to the approbation of the Government. The object of this bill was to enable the Government to accept the services of such men as were thus disposed to serve during the war.

No objection being made, the Committee rose, and reported the bill.

Mr. TALLMADGE, of Connecticut, then objected to granting in this manner a vague and unlimited authority to the Government, still further to increase the Army. He had hoped they had no inclination to call for further force, and unrestricted as this bill was he could not vote for it. He repeated the sentiment he had expressed the other day, that if we were to have an army, he wished it to be an efficient one, and such a one as should do honor to the nation. But he could not see the necessity for this bill in its present shape.

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Army Contractors, &c.

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Various amendments were proposed by Messrs. TALLMADGE, PICKERING, and BIGELOW, the object of which were to limit the force thus to be retained to such volunteers as were actually in service, to a limited number, &c., all of which were rejected, being opposed by Messrs. TROUP, HUMPHREYS, and ALEXANDER, as unnecessary, as the provisions of the bill could only embrace the avowed object, to retain in service as many volunteers now actually organized and serving, as will consent to serve during the war.

On one amendment proposed by Mr. TALLMADGE, to add a proviso: "That the whole number so to be called into service should not exceed one thousand men," the yeas and nays were taken, and there were—for the amendment 42, against it 82, as follows:

YEAS—Messrs. Bayly of Virginia, Bigelow, Boyd, Bradbury, Champion, Cilley, Cooper, Culpeper, Davenport, Dewey, Ely, Geddes, Hale, Hanson, Hopkins of New York, Howell, Hufty, Jackson of Rhode Island, King of Massachusetts, Law, Lovett, McKee, Moffit, Montgomery, Markell, Moseley, Pickering, Post, Wm. Reed, Ridgely, Ruggles, Schureman, Shipherd, Smith of New York, Sturges, Taggart, Tallmadge, Vose, Wheaton, White, Wilcox, and Winter.

NAYS—Messrs. Alexander, Anderson, Archer, Avery, Bard, Barnett, Bowen, Bradley, Brown, Burwell, Butler, Caldwell, Chappell, Clark, CLOPTON, Comstock, Condict, Conard, Crawford, Creighton, Crouch, Davis of Pennsylvania, Desha, Earle, Evans, Farrow, Findley, Fisk of Vermont, Fisk of New York, Forney, Forsyth, Franklin, Gholson, Glasgow, Goodwyn, Gourdin, Griffin, Hall, Hawes, Hubbard, Humphreys, Hungerford, Ingersoll, Irving, Irwin, Kennedy, Kerr, Kershaw, Kilbourn, King of N. Carolina, Leflerts, Lyle, Macon, McCoy, McLean, Moore, Murree, Newton, Ormsby, Parker, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Roano, Robertson, Sage, Sevier, Seybert, Skinner, Smith of Pennsylvania, Smith of Virginia, Stanford, Strong, Taylor, Telfair, Troup, Udree, Ward of New Jersey, and Yancey.

The bill was then ordered to be engrossed for a third reading.

ARMY CONTRACTORS, &c.

Mr. FISK, of New York, adverting to a report from the Secretary of War, on the table, respecting the unsettled accounts in the War Department, said that the report called the attention of the House to the expediency of making some provisions in order to secure the punctual performance of the public business and the more perfect accountability of public agents. Casting his eyes over these statements, he perceived one case not noticed, which had fallen under his own observation. He alluded to the manner in which the public moneys were employed in purchasing supplies. He stated a particular case, that had occurred at Black Rock; although the contractor was prepared to furnish the necessary supplies, the commanding General had ordered his issuing commissaries to purchase supplies to the amount of thirty thousand dollars, which were transported to Black Rock, where they remained from December, 1812, until they were destroyed in the

late conflagration. To institute a general inquiry into this subject, Mr. F. offered the following resolution:

Resolved, That a committee be appointed to inquire in what manner the contracts for supplying the Army of the United States have been made and executed, and to what extent the General Officers have interfered in such contracts prejudicially to the public interest and the rights of individuals.

Mr. PERKIN, of Connecticut, having inquired the particular object of the mover, and whether his motion included cases in which higher prices had been paid by the purchasing commissaries than was usual or proper—

Mr. FISK stated his object to be, to ascertain whether further provision was not necessary to secure the accountability of public agents intrusted with the expenditure of public money, particularly in relation to the contracts for supplying the Army; and to restrain commanding officers from appointing issuing commissaries to furnish duplicates of supplies already furnished by other persons according to previous contract. As the law now stood, commanding officers were clothed with a general authority, without restriction, or personal or pecuniary responsibility, to appoint additional commissaries. In his opinion, the motion did embrace the case stated by the gentleman from Connecticut.

Mr. GRUNDY, of Tennessee, said he had no objection to this motion, but he suggested whether the main object of providing a remedy for the evil could be attained unless the committee were authorized to report by bill.

Mr. BRADLEY, of Vermont, expressed his satisfaction at this motion, for he was convinced there was something wrong in the existing provisions on this subject. A case had occurred in Vermont, and created some dissatisfaction there, in which a contractor who had engaged to supply the United States troops, was ready, as he represented, to furnish the necessary supplies; the General commanding conceived he had a power, whether there had or had not been a failure of the contracts, to appoint issuing commissaries, and had done so. Mr. B. said he had also heard of other cases on the Niagara frontier. The public interest, he thought, must suffer from collisions between the contractors and issuing commissaries making purchases under the authority of the General at the same time.

Mr. HALL, of Georgia, hoped the resolution would pass, but on different grounds from those assigned. He thought that contractors had more frequently failed in their duty than Generals had done injury by taking the supplies out of their hands. He spoke from evidence, that such had been the conduct of contractors, on important stations, that the Army was not supplied. On this subject, he had received a letter from one of the aids of Gen. Floyd, which he read, stating, in substance, that no more volunteers could be obtained unless a stronger assurance was given of the necessary supplies being furnished; that no army ought to be placed in a situation of dependence on contractors for supplies; that three

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thousand brave and patriotic men had languished for five months, not from any fault of the General, but from the conduct of a "speculating, rascally contractor." When these troops had achieved a victory against the savage foe, which would have done honor to any troops, it was at the risk of starvation, and they remained on the ground without being able to march from it for the want of supplies. Mr. H. feared the resolve did not go far enough, however, unless it authorized the committee to propose to the House a remedy for the evil.

Mr. SHEFFEY, of Virginia, said he did not think the motion went far enough. He had no doubt, it would appear, on examination, that in one case at least, where a General Officer had directed supplies to be purchased, and the account therefor was settled at the War Department, that twelve or fourteen dollars per barrel had been allowed for flour; and the contractor had produced evidence that, instead of twelve or fourteen dollars, this commissary had not paid more than seven or eight dollars per barrel. The inquiry, therefore, it appeared to him, ought to be extended to the conduct of these purchasing commissaries.

Mr. FISK thought the terms sufficiently comprehensive to combine all that gentlemen wished.

The resolution, however, was so amended as to authorize the committee to report by bill or otherwise; and thus amended, was agreed to without opposition.

Mr. FISK, of New York, Mr. BRADLEY, Mr. SHEFFEY, Mr. MILLER, and Mr. HALL, were appointed the committee.

FRIDAY, February 4.

Mr. RHEA presented a resolution of the Legislature of the State of Tennessee, requesting the representation from that State to endeavor to procure the passage of a law appropriating a sum of money to remove the obstructions to the safe navigation of the river Tennessee, in the Muscle Shoals.—Referred to the Committee of Ways and Means.

Mr. RHEA also presented a resolution of the Legislature of the State of Tennessee, requesting the representation from that State to procure a road to be opened from the town of Reynoldsburg, in the State of Tennessee, through the Chickasaw and Choctaw nations of Indians, to intersect the road from Calbert's Ferry to Natchez, in the Mississippi Territory.—Referred to the Secretary of War.

Mr. RHEA also presented sundry resolutions of the Legislature of the State of Tennessee, requesting the representation from that State to procure the extinguishment of the Indian title within the chartered limits of their State, making the western boundary the Mississippi river; if not, so much within the chartered limits of the State, as will make the river Tennessee the boundary between the citizens of that State, and the Chickasaw and Cherokee Indians. Also, in the event an extinguishment cannot be obtained, that they use their endeavors to obtain some means whereby

the lands within the chartered limits of the State, to which the Indian title is not extinguished, and for which grants have issued, to be re-surveyed, so as to identify and perpetuate the claims of individuals thereto. Also, that they procure the passage of a law of Congress authorizing the perfecting titles to land to which the Indian title is extinguished, South and West of the Congressional reservation line.

Ordered, That the first of said resolutions be referred to the Secretary of War; and that the second and third of the said resolutions be referred to the Committee on the Public Lands.

A message from the Senate informed the House that the Senate have passed a bill for the relief of William Stothard and Josiah Starkey, in which they desire the concurrence of the House.

On motion of Mr. ROBERTSON, of Louisiana, the Committee were instructed to inquire into the expediency of revising and amending the fifth section of the act, entitled "An act providing for the final adjustment of claims to lands, and for the sale of the public lands, in the Territories of Orleans and Louisiana, and to repeal the act passed for the same purpose," and approved February 16, 1811, and that they have leave to report by bill or otherwise.

Mr. LOWMEDES, of South Carolina, from the Committee on Naval Affairs, reported the following resolution:

Resolved, &c., That the President be requested to present a sword to the nearest male relative of Midshipman John Clark, who was slain gallantly combatting the enemy in the glorious battle on Lake Erie, under the command of Captain Perry, and to communicate to him the deep regret which Congress feels for the loss of that brave officer.

The resolve was twice read, and was subsequently ordered to be engrossed for a third reading.

The bill from the Senate for the relief of William Stothard and Josiah Starkey, was twice read and committed.

A report was received from the Commissioner of the General Land Office respecting the ability, &c., of the purchasers of public lands in the Mississippi Territory to make payment therefor; which was read, and ordered to lie on the table.

The engrossed bill "authorizing the President of the United States to retain in service certain volunteer corps," was read a third time, and passed without debate, and without a division.

The engrossed bill further to extend the time of payment to purchasers of public lands, was read a third time, this being the day to which it had been postponed.

Mr. FORSYTH, of Georgia, moved to recommit the bill to a Committee of the Whole, for the purpose of reducing the extension of time from three years to one year, and for the purpose of considering the propriety of extending relief to those also whose lands have within a few days reverted to the United States. He had no objection to affording these persons a reasonable indulgence; but so long an indulgence was unnecessary, and he doubted not would prove injurious to the public interest.

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National Bank—Turreau's Letter.

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This motion was warmly opposed by Messrs. McKEE, of Kentucky, JENNINGS, of Indiana, LATIMORE, of Mississippi, and FARROW, of South Carolina; and was supported by Messrs. FORSYTH, of Georgia, and PITKIN, of Connecticut. The motion was decided in the affirmative, and the bill recommitted.

On motion of Mr. ORMSBY, of Kentucky, the bill for the relief of Mary Wells passed through a Committee of the Whole, and was ordered to be engrossed for a third reading.

On motion of Mr. TAYLOR, of New York, the bill to amend the act laying a duty on notes of banks, bankers, &c., passed through a Committee of the Whole, and was, after being amended, ordered to be engrossed for a third reading.

On motion of Mr. ARCHER, of Maryland, the bill for the relief of William Piatt was passed through a Committee of the Whole, and ordered to be engrossed for a third reading.

The House then, on motion of Mr. McKEE, of Kentucky, resolved itself into a Committee of the Whole, on the bill this day referred to it, extending the time of payment to purchasers of public lands. Amendments were proposed to it, restricting its provisions, by Mr. FORSYTH, which gave rise to animated debate, in which Messrs. McKEE, LATIMORE, and ROBERTSON, opposed, and Mr. FORSYTH supported the amendments; which were agreed to in Committee, but, on being reported to the House, were disagreed to. And the bill, as it first stood, was then read a third time, and passed.

NATIONAL BANK.

Mr. CALHOUN, of South Carolina, moved that the Committee of the Whole be discharged from the further consideration of the report of the Committee of Ways and Means on the petition from New York for the establishment of a National Bank, and that the same be recommitted to the same committee, with a view of making a further motion on that subject.—Agreed to.

Mr. C. then said that it would be found that the Committee of Ways and Means had decided against that report, on the ground of unconstitutionality of establishing such a bank as that asked for in the petition. Mr. C. wished to instruct the committee to inquire into the expediency of establishing a National Bank within the District of Columbia, the power to do which it could not be doubted came within the Constitutional powers of Congress. For all practicable purposes he believed such a bank would be as useful as that which was proposed. To come at his object, Mr. C. proposed the following motion:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of establishing a National Bank, to be located in the District of Columbia.

The resolution was agreed to without opposition.

TURREAU'S LETTER.

Mr. GROSVENOR, of New York, moved for the consideration of the resolution now lying on the table, (offered a few days ago by Mr. ROBERTS,

of Pennsylvania,) to inquire how a certain translation of a letter addressed by General Turreau to the late Secretary of State came into the possession of A. C. HANSON, a member of this House.

Mr. INGERSOLL, of Pennsylvania, stated that the author of that motion (Mr. ROBERTS) was now absent from his seat, he believed from indisposition, and suggested whether it would be proper on that account to press the motion.

Mr. GROSVENOR said he should not press it now but for considerations of an urgent nature, which made it his duty to do so. As to the objection to taking it up, under the circumstances stated, it was certainly not as great an indelicacy as was the proposition of the motion itself, by the mover, in the absence of Mr. HANSON from the House.

The question on proceeding now to consider said resolution was decided in the negative by yeas and nays—for its consideration 60, against it 80.

Mr. HANSON, of Maryland, said he held in his hand a resolution which, after a very brief explanation, he felt incumbent on him to submit to the House. It would be recollected, he said, that some days ago, during his absence from the House, a resolution had been introduced by a gentleman from Pennsylvania, containing an insidious and direct implication against the honor and veracity of a member of this House. It was at that time ordered to lie on the table, but not without a pledge from gentlemen to take it up and act on it whenever the pressing business of the House did not longer interfere to prevent its discussion. Now, as the character of a member was implicated in that transaction, this subject ought not to be suffered to lie one hour longer on the table, and with his consent it should not sleep another minute. His own honor, the dignity of this honorable body, the deeply wounded honor and reputation of the Chief Magistrate, all united to forbid any attempt to delay the further consideration of this subject. It was but reasonable, Mr. H. said, that he should have an immediate opportunity to disprove a false and calumnious imputation. With these observations he submitted the following resolution:

Resolved, That this House on the — day of — will receive testimony at the bar of this House of the manner in which the translation of a letter written by Mr. Turreau, to the Secretary of State, on or about the 14th day of June, 1809, came into the possession of A. C. Hanson, a member of this House, and also of the time and manner when the original was withdrawn from the Department of State.

The question of proceeding to consider the said motion was decided by yeas and nays—for consideration 66, against it 82, as follows:

YEAS—Messrs. Baylies of Massachusetts, Bayly of Virginia, Bigelow, Boyd, Bradbury, Breckenridge, Brigham, Caperton, Champion, Cilley, Cooper, Cox, Culpeper, Davenport, Davis of Massachusetts, Dewey, Forsyth, Gaston, Geddes, Goldsborough, Grosvenor, Hanson, Hopkins of New York, Howell, Hungerford, Jackson of Rhode Island, Kent of New York, King of

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Massachusetts, Law, Lefferts, Lovett, Macon, Markell, Miller, Moffit, Moseley, Oakley, Pearson, Pickering, Pitkin, Post, Potter, John Reed, William Reed, Ridgely, Ruggles, Schureman, Sheffey, Sherwood, Shepherd, Smith, of New York, Stanford, Stockton, Sturges, Tallmadge, Thompson, Vose, Ward of Massachusetts, Webster, Wheaton, White, Wilcox, Wilson of Massachusetts, Winter, and Wood.

NAVS—Messrs. Alexander, Alston, Anderson, Avery, Bard, Barnett, Beall, Bowen, Bradley, Brown, Butler, Caldwell, Calhoun, Chappell, Clouton, Comstock, Condict, Conard, Crawford, Creighton, Davis of Pennsylvania, Denoyelles, Desha, Evans, Farrow, Findley, Fisk of Vermont, Fisk of New York, Forney, Franklin, Gholson, Glasgow, Griffin, Grundy, Harris, Hasbrouck, Hawes, Hubbard, Humphreys, Ingersoll, Ingham, Irving, Kennedy, Kerr, Kershaw, Kilbourn, King of North Carolina, Lowndes, Lyle, McCoy, McKee, McKim, McLean, Montgomery, Murfree, Nelson, Newton, Ormsby, Parker, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Roane, Robertson, Sage, Sevier, Seybert, Skinner, Smith of Pennsylvania, Smith of Virginia, Strong, Taylor, Telfair, Udree, Ward of New Jersey, Williams, Wilson of Pennsylvania, and Yancey.

So the House refused to consider the resolution.

NAVAL AND MILITARY TROPHIES.

Mr. SEYBERT, from the committee appointed, on the 20th of December last, "to inquire into the present condition and distribution of the flags, standards, and colors, which have been taken by the forces of the United States from their enemies, made a report; which is as follows:

"The committee to whom was referred the resolution directing them "to inquire into the present condition and disposition of the flags, standards, and colors, which have been taken by the forces of the United States from their enemies; and whether it would be expedient to make any provision in relation to them, with leave to report by bill or otherwise," report:

That the collection, preservation and exhibition of such flags, standards, and colors, as have been taken by the land and naval forces of the United States from their enemies, is sanctioned by the practice of European nations, and more especially by the proceedings of the Congress of our Revolution. It is believed there cannot be a difference of opinion on this subject; it is natural to rejoice at the victories and the glory of our country. In Europe, the trophies which have been gained in war, are preserved with uncommon care. As monuments of national power they have ever been cherished by all civilized nations. In England they are highly prized. Not content that they should constitute the ornaments of their military institutions, such standards are deemed proper subjects for the decorations of the temples which they have consecrated to the purposes of religious worship; the sacred chapels, in common with the royal palaces, are the places in which are displayed to every subject and traveller the banners which the British forces have won from their enemies. It must be recollected, that the standard of our fourth regiment of infantry, which the enemy received at the lamentable surrender of Detroit, was in haste conveyed to Europe. Immediately after its arrival in London, the public prints informed us, that it was triumphantly displayed in the Council Chamber at Whitehall. Such is the British practice.

In France, the galleries of *Notre Dame* are blazoned with these splendid trophies. The chapel of the *Hotel of the Invalides*, is richly embellished, and exhibits, to numerous visitors, the many standards which that gigantic Power has, at different times, taken from its enemies. It affords no common satisfaction to the disabled tar, or the superannuated soldier, when he informs the inquisitive stranger that he gloriously fought in the battle which may have gained some of them. For the time he forgets his former sufferings, and his present disabled condition; his consolation rests upon the power and glory of his country, so fully demonstrated by the sight of the numerous ensigns which were taken from other nations. Other instances, in favor of the practice, could have been furnished; but your committee are persuaded, that the order of the illustrious Congress of our Revolution alone, will justify the propositions which they intend to submit for Legislative consideration. As early as the 23d of June, 1778, it was "*Resolved*, That the Board of War be directed to collect the standards and colors taken from the enemy, by the Army of the United States, since the commencement of war." Had this order been strictly observed, and somewhat extended, the present proceedings would be unnecessary. Far from any regulations having been adopted, in pursuance of the recited resolution, your committee lament the peculiar negligence which ensued. The Secretary of War now tells us, that of the standards and colors which were taken by the Army of the United States, during the war of the Revolution, only six remain in his office. He cannot give any information concerning others; even their place of deposit is unknown to the Department! The Navy Department possesses no knowledge of any flags which are taken "anterior to the declaration of the present war." Such as have been captured, with the public armed ships of the enemy, subsequent to the 18th of June, 1812, "have been carefully preserved." Thirteen of them have been already received, as will more fully appear by the annexed statement: of these, three belonged to the heavy frigates of the enemy, viz: the *Guerriere*, *Macedonian*, and *Java*. The Navy Department is also in possession of a Royal Standard of Great Britain, which was taken at York, and a Union Jack and flag, which were captured at Fort George. The flags of five small vessels which were captured, have not been received. Your committee regret that the Journals of Congress do not exhibit statements of all standards and colors which were taken during our Revolution by the Army and Navy of the United States. The early attention of the Legislature to this subject inclines them to believe they were very numerous. The capture of Earl Cornwallis alone furnished twenty-four of them. In all probability, as many were taken with General Burgoyne.

By some the exhibitions which are contemplated may be considered as too trivial for legislative provision. Your committee would coincide with them in this opinion, did the practice only afford a momentary gratification to the curious. Experience must have taught European Governments that national benefits were derived from the course which they have adopted. It is presumed that essential consequences proceed from the practice, more especially when a nation shall be engaged in war. Such trophies excite the spirit of a nation; the result is national character. The arrival of an enemy's flag is sufficient to rouse the population of London or Paris. On such occasions the finest national feelings are developed; and to the honor of our

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fellow-citizens be it said, they have not been found to want this species of national sensibility when the flags of the *Guerriere*, *Macedonian*, and *Java*, &c. were exhibited to them. It was indifferent whether they considered themselves of the war or of the peace party, each was ambitious to rank the victor with himself. The national taste and propensity is strongly marked by the eagerness with which all view representations of our late unparalleled naval victories. If, then, the art and genius of the painter can thus excite our natures, may we not look for much more when we have the physical facts placed before us instead of fancy? These flags, the trophies won by our gallant tars, demonstrate to us and the world, that the invincibility of the British naval power has been very much exaggerated. In battle with the recollection of them sustain our sailors, and impart additional skill and valor in support of the cause of our country. The value of standards does not depend upon the gaudy colors which they exhibit, no more than upon the nature of the stuff of which they may be fabricated. They have been, at all times, regarded as the insignia of fame and power. Their surrender is the act of submission. The last wish of the proud bearer, is the preservation of his eagle; too often is the loss of it sealed with the loss of life. In Europe, where military operations are on a large scale, though the result of a battle should prove destructive to thousands of those who were engaged, the capture of a single standard constitutes a prominent feature in the details of the action, and adds much to the brilliancy of the achievement. Colors taken from the enemy, were considered a present worthy the nation, to General Washington, for his signal services in the capture of Earl Cornwallis. The records of the proceedings of Congress, during the whole of our Revolution, mention but two instances where this highly honorable and distinguished mark of approbation was voted. In fine, we have declared the flag shall guaranty the safety of our citizens. Can a higher value be set upon it? Can we attach more honor to it?

It may be asked, what will be the effects of a public display of the flags which have been taken from our enemies? This view is considered to be important. No one can doubt that the Government and the people of England would rather we should have taken millions of their merchandise, than that we should have it in our power to exhibit the flag of a single sloop of war, which was gained by equal force. If the enemy will expose to the view of the British nation and every traveller who may visit them, the one or two which they have captured from us, shall we conceal the many we have taken from them, and thus lead others to doubt our possessing any? Shall we permit the numerous trophies of our Revolution to moulder into dust by a voluntary concealment, without any effort for their preservation? If this shall have happened to the proud monuments of our independence, shall the fate of those which are now perfect, and which have been so lately won on our own coast, on that of South America, off the Azores, on the Lakes, in short, in all latitudes where our tars have come in contact with the enemy, be the same? Is not the preservation of these flags a duty which we owe to the people of the United States? Are the achievements of that gallant little navy, which a few months ago was the object of derision with the statesmen and the people of England, but now the cause of their fears, to be buried in oblivion? Shall we put at rest the inquiry which the glorious deeds of our sailors have excited in the Parliament of Great Britain? Shall we, at our expense,

approve the labored calculation of the enemy; with her confound reason and common sense, and attribute simple truths to fallacious causes? or shall we give into a practice so generally cherished by other nations? Our successes on the ocean constitute the pride of our country; they have secured to us the respect of foreign nations. In Europe we again hold that rank which our ancestors had obtained by their many hard fought conflicts, which we had nearly forfeited. Have we not accomplished more than did Spain with her "invincible Armadas," than did Holland with her *De Witts*, *Van Tromps*, and *De Ruyters*; than France could achieve when she was in the zenith of her naval power; than did Great Britain with her *Nelsons*, *Rodneys*, *Howes*, and *St. Vincents*? The naval annals of England furnish no instance in which every vessel belonging to a hostile fleet was captured.

Some may doubt our possessing a number of standards sufficient to warrant their public exhibition. Had we but few of them we should not deny our sanction to the principle. Your committee regret that special order had not been taken by Congress immediately after the receipt of the first present of this kind; we allude to the colors which were taken by General Montgomery from the 7th British regiment, at *Chamblée*, on the 18th of October, 1775. The French pride themselves on their ability to exhibit the two which they have taken from our present enemy; for so lately as the year 1800, they had only two of the naval flags of Great Britain. Though the War and Navy Departments can immediately furnish but twenty or twenty-five of these flags, it is probable the place of deposit will be ascertained, so as to put within our power many of those which were gained during our Revolution. Where are those which were won during our dispute with France in 1798? The same may be asked of those which the defeats of *Derne* and *Tripoli* should furnish. The only object which remains for consideration is the place most proper for the exhibition.

This should be public and easy of access, at the same time that it should be perfectly secure from villainous attempts. These flags should be placed so as to be seen by every citizen who might wish to observe them. It will be of advantage that they should be noticed by every foreigner who may visit the United States. Can any objection be made to the spacious national apartments which are devoted to legislative purposes? What ornaments can be more suitable? Go abroad, and you may see the walls of the British House of Lords decorated with representations of some of the celebrated battles which were fought by the troops of Great Britain. At home we find the principle already established by one branch of the Legislature of the United States: in the Senate Chamber we observe engravings of some of the battles of our Revolution; and had time allowed the execution of the original design of the architect, the precedent would have had existence in the Chamber of the Representatives of the United States. It was contemplated that the frieze, over the capitals of the Corinthian columns which sustain the dome, should present, in *relievo*, a regular series of the battles which secured our independence. Such decorations might gratify the artist, and afford an opportunity to display his talents; but in a national view, little or no effect would be produced. It must be conceded that much more will be communicated to the spectator by the display of the captured standards. No one can pretend that any difference exists between the representations which we have no-

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ticed and the standards which have been taken from the enemy, as will warrant the public exhibition of the one and preclude that of the other: these subjects are most immediately connected, and their tendency must be the same. The public exhibition of these trophies is a tribute due to the very superior skill and valor which achieved them; the sight of them will bring to recollection every circumstance of cause and effect; they will constitute valuable records of illustrious portions of our history; they will form a collection of the proudest monuments to commemorate the brilliant deeds of a rising generation.

Mr. SEYBERT also communicated to the House the following documents:

COMMITTEE ROOM, Dec. 22, 1813.

SIR: The following resolution has been adopted by the House of Representatives of the United States, viz:

Resolved, That a committee be appointed to inquire into the present condition and distribution of the flags, standards, and colors, which have been taken by the forces of the United States from their enemies, and whether it would be expedient to make any provision in relation to them; with leave to report by bill or otherwise."

The committee to whom the above resolution has been referred has instructed me to state, that they contemplate the collection, preservation, and public exhibition, of the subjects therein embraced. On the 23d of June, 1778, Congress *Resolved*, That the Board of War be directed to collect the standards and colors taken from the enemy by the Army of the United States, since the commencement of the war." The committee request such general information as the Navy Department can furnish on this subject. It is particularly desired to know, whether any order or practice has been at any time adopted, under the resolution of June 23d, 1778. The committee are anxious to ascertain the number of naval flags which remain of those that were taken during our Revolutionary struggles, their present condition, and manner of preservation. Can the names of the captured vessels to which these flags belonged be ascertained, together with their rates; and the names of the victorious and vanquished commanders? The same information is requested concerning such flags as have been taken by the forces of the United States during their dispute with France, in 1798; concerning those which were gained from Tripoli, and such as have been taken since the commencement of the present war with Great Britain.

With sentiments of respect, I have the honor to be, &c.,

ADAM SEYBERT, *Chairman*.

Hon. WM. JONES, *Sec'y of the Navy*.

NAVY DEPARTMENT, Jan. 25, 1814.

SIR: In reply to the inquiries contained in your letter of the 22d ultimo, I have to remark, that the resolution of Congress of the 23d of June, 1778, directing the collection of standards and colors taken from the enemy, appearing to relate to those only which were taken by the *army* of the United States, it is not supposed that "any order and practice have been, at any time, adopted," in pursuance of that resolution, concerning naval trophies of a similar kind. The records and documents of this Department afford no light respecting such flags as are inquired for by the committee, anterior to the declaration of the present war, nor

are there any such flags or standards in any depository of the Department, that were taken prior to this time. Those which have been captured from the enemy by the public armed vessels of the United States, and received at this Department since the 18th of June, 1812, have been carefully preserved, and are now suspended in the office of the Secretary of the Navy, subject to such disposition as Congress may provide for their better security and exhibition. The enclosed paper embraces all the particulars in relation to them within the power of the Department to present to the committee.

I have the honor to be, sir, very respectfully, your obedient servant,

W. JONES.

The Hon. ADAM SEYBERT, *Chairman*, &c.

Statement showing the number of Naval Flags taken from Great Britain, since the commencement of the present war, together with the names of the captured vessels, &c., to which they were attached, their rates, the rates of the capturing vessels, the date of the capture, and the names of the victorious and vanquished commanders.

| Names of the vessels captured. | Commanders' names. | No. of guns. | By what vessel captured. | Commanders' names. | No. of guns. | Date of capture. |
|--------------------------------|--------------------|--------------|--------------------------|--------------------|--------------|------------------|
| Sloop Alert | T. L. Laughton | 20 | Frigate Essex | D. Porter | 32 | August 13, 1812. |
| Frigate Guerriere | J. R. Dacres | 49 | Frigate Constitution | Isaac Hull | 44 | August 19, " |
| Sloop Frolic | Thomas Winyates | 22 | Sloop Wasp | Jacob Jones | 16 | Oct. 18, " |
| Frigate Macdonald | John Carden | 49 | Frigate United States | Stephen Decatur | 44 | Oct. 25, " |
| Frigate Java | H. Lambert | 49 | Frigate Constitution | Wm. Bainbridge | 44 | Dec. 29, " |
| Sloop Peacock | W. Peake | 22 | Sloop Hornet | James Lawrence | 18 | Feb. 24, 1813. |
| Sloop Boxer | Samuel Blyth | 18 | Brig Enterprise | Wm. Burrows | 14 | Sept. 5, " |
| Ship Detroit | Comm. Barclay | 22 | Brig Lawrence | O. H. Perry | 20 | Sept. 10, " |
| Schooner Lady Prevost | Ditto | 18 | Brig Niagara | Ditto | 20 | " " " " |
| Brig Hunter | Ditto | 14 | Brig Caledonia | Ditto | 3 | " " " " |
| Sloop Little Belt | Ditto | 10 | Schooner Ariel | Ditto | 4 | " " " " |
| Schooner Chippewa | Ditto | 3 | Schooner Scorpion | Ditto | 2 | " " " " |
| | | | Schooner Somers | Ditto | 2 | " " " " |
| | | | Sloop Trippe | Ditto | 1 | " " " " |
| | | | Schooner Tigress | Ditto | 1 | " " " " |
| | | | Schooner Porcupine | Ditto | 1 | " " " " |

N. B. In addition to the flags which belong to the captured vessels above named, there are, in this Department, a Royal Standard of Great Britain, taken at York on the 27th of April, 1813, a Royal Mace taken from the Parliament House, at the same time and

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place, and a Union Jack and flag, taken at Fort George on the 27th of May, 1813. These were transmitted to the Department by Commodore Chauncey.

It is believed that this statement includes all the flags of the public armed vessels of the enemy that have been taken by the public armed vessels of the United States, since the commencement of the present war, excepting those of five small vessels captured by Commodore Chauncey on Lake Ontario, and those of the brigs Detroit and Caledonia, taken by Lieutenant Elliott on Lake Erie, which have not been received.

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WAR DEPARTMENT, Jan. 13, 1814.

SIR: Of the standards and colors taken by the army of the United States, during the war of the Revolution, six remain in this office; others, it is understood, were deposited in Philadelphia while Congress sat in that city. Whether they were or were not brought to this place with the public offices, cannot be ascertained.

I have the honor to be, with great respect, your most obedient servant,

JOHN ARMSTRONG.

Hon. W. SEYBERT, *Chairman, &c.*

Mr. SEYBERT, from the same committee, reported a bill to provide for the collection, preservation, and public exhibition, of such flags, standards, and colors, as shall have been or may hereafter be taken, by the land and naval forces of the United States, from their enemies; which was read twice and, together with the report, committed to a Committee of the Whole on Monday next.

—
SATURDAY, February 5.

Mr. POTTER presented a petition of sundry distillers in the town of Newport, in the State of Rhode Island, praying that the act laying duties on stills may be repealed; or, that the said duties may be reduced; or, that the tax may be laid upon the quantity of liquor distilled, and not upon the capacity of the still; or, that the stills may be taxed for the time only in which they are actually employed.—Referred to the Committee of Ways and Means.

Mr. FISK, of New York, presented a petition of sundry owners of mills, in the counties of Orange, Ulster, and Dutchess, in the State of New York, complaining of the oppressions of Oliver Evans, in the exercise of his patent right to certain mill machinery, and praying the interference of Congress.—Referred to the Committee of the Whole to whom is referred the report of a select committee on the memorial of sundry inhabitants of Baltimore upon the same subject.

Mr. JENNINGS presented a protest of the Legislative Council of the Indiana Territory, against the proceedings of the Governor of that Territory in re-dividing the Territory into Council districts. Referred to Mr. JENNINGS, Mr. MONTGOMERY, Mr. WINTER, Mr. HUMPHREYS, and Mr. STORGES.

Mr. NEWTON, from the Committee on Commerce and Manufactures, reported a bill for the relief of Samuel Ellis; which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. KENT, from the Committee for the District of Columbia, reported a bill making an appropriation for building a jail in the county of Alexandria, in the District of Columbia, and for other purposes; which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. INGERSOLL, from the Committee on the Judiciary, reported a bill to define more explicitly the duties of the Judges of the General Court of the Territory of Indiana; which was read twice, and committed to a Committee of the Whole on Monday next.

An engrossed joint resolution, "directing a sword to be presented to the nearest male relative of Midshipman John Clark," was read the third time and passed.

An engrossed bill to amend the act, entitled "An act, laying duties on the notes of banks, bankers, and certain companies; and notes, bonds, and obligations, discounted by banks, bankers, and certain companies; and on bills of exchange of certain descriptions;" was read the third time, and passed.

An engrossed bill to satisfy the claim of Mary Wells, executrix of William Wells, was read the third time and passed.

An engrossed bill for the relief of William Piatt was read the third time and passed.

The bill to compensate Michael Hogan for the occupation and damage done to his house by certain United States troops, passed through a Committee of the Whole, was reported to the House, and ordered to a third reading.

The House resolved itself into a Committee of the Whole, on the bill further to amend the act regulating pensions to persons on board private armed vessels. The bill was reported with sundry amendments, which were concurred in by the House; and the bill ordered to be engrossed for a third reading.

On motion of Mr. IRVING—

Resolved, That the Committee of Ways and Means be directed to inquire into the expediency of amending the law laying duties on sales at auction of merchandise and of ships and vessels, with leave to report by bill or otherwise.

PUBLIC LANDS.

The House resolved itself into a Committee of the Whole on the bill for attaching to the Canton district in Ohio, a tract of land lying between the foot of the Rapids of Miami and the Connecticut Reserve.

On the suggestion of Mr. GROSVENOR—

Mr. McKEE explained the object of the bill. The public lands of the United States, he said, are divided into several districts, in which offices are opened for the purpose of making sales of those lands. The tract mentioned in the bill was not at present included in any district, and it was for the purpose of bringing it into the market that it was now proposed to attach it to the Canton district to which it is contiguous, &c.

Mr. HALL, of Georgia, declared his disapprobation of the bill. He said Congress was now troubled with constant applications from the purcha-

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sers of public lands for extension of credit; and he was, for one, unwilling to increase the number of those public debtors or to bring more of the lands into market before those already sold are paid for. He concluded his remarks by moving, for the purpose of destroying the bill, that the first section be stricken out.

After some observations from Mr. McKee in reply, the question was put on Mr. HALL's motion and lost, without a division.

The bill was reported to the House without amendment and ordered to be engrossed for a third reading.

POST OFFICE ESTABLISHMENT.

Mr. INGERSOLL submitted the following resolution and specifications:

Resolved, That the President of the United States be requested to cause to be laid before this House such information as may be obtained under the following particulars of inquiry respecting the General Post Office Establishment of the United States.

Mr. I. observed, that it would be recollected that he had the honor some weeks ago to submit a resolution to the House for the purpose of inquiring into the expediency of a better organization of that anomaly under the Constitution, the Post Office Department, and for bringing it nearer than it is to the Constitutional principles, regulating other Executive departments in respect to their appointments to office. Under that resolution a committee had been appointed, who reported a bill for referring the appointments in the principal distributing post offices to the President and Senate. Owing to the pressure of other business, however, this bill had never been called up for a third reading. The Army bills, and other public considerations of more moment, had occupied the time of the House in preference. Mr. I. said he did not regret this delay, as further reflection and conversation with gentlemen on both sides of the House had satisfied him that such an act as the one proposed would tend but in a very inadequate measure to remedy the evils existing—of which many had been presented to his notice in the course of general incidental examination. There must be a radical reform. He therefore proposed to institute inquiries, with that view; relinquishing, with the leave of the House, or at least suspending the prosecution of the act reported, which would not answer the purpose, by itself, of even beginning the reform. To consume no more time than was absolutely necessary, Mr. I. said he would trouble the House no longer than to state, very briefly, such explanations as might be due to each item of the inquiry he contemplated.

1. The names, places of residence, and number of all the postmasters of the United States, together with the salary and emoluments of each, and the aggregate compensation of the whole.

Under this head, Mr. I. said that he himself had obtained the requisite information, so far as it concerned the number of postmasters. There appeared to be now three thousand and fifteen. But his wish was to possess the House formally

of all the details, including the very important articles of the salaries and emoluments; which, said Mr. I., I have so far ascertained as to be able to say, at any rate, that they amount to much more than is supposed.

2. The number of clerks in each and every post office of the United States, including those in the General Post Office, together with the salary and emoluments of each, and the aggregate compensation of the whole.

What the number of these clerks may be, or the amount of their emoluments, Mr. I. observed, he did not know; but he had understood that their numbers were discretionary, or rather arbitrary, and their emoluments too; if so, it was high time certainly to limit both.

3. The amount allowed and paid out of the public funds for house rent, or room rent, stationery, fuel, and all other expenses, stated or contingent, in each and all of the post offices in the United States, distinguishing each item in each office, as well as exhibiting the whole amount in them all.

This matter, Mr. I. said, especially required the interference of Congress. If he was not misinformed, it was the usage to allow certain postmasters, he did not know particularly which, a contingent fund of \$7,000 a year, in addition to the \$2,000 salary; out of which contingent fund, those intrusted with it had a discretionary power to appropriate what they pleased for rent, fuel, clerks, stationery, and all other expenses. The consequences might be readily imagined. Very little of this fund was ever returned as surplus; and, in one place which Mr. I. had heard of, \$1,200 a year were regularly retained in payment for a room, which he knew, he said, not to be worth, at the most, more than \$500, if even the half of that.

4. The amount, annually, of charges incident to the transportation of the mail, in the consumption, loss or destruction of bags or other articles provided at the public expense.

5. The amount of all contracts for the transportation of the mail of the United States, with the names of the contractors, and aggregate expense.

6. The amount of all contracts for extra services, together with the names of the persons employed, and their extra allowance during the last four years.

7. The regulations, if any; instructions, if any; and practice that prevail respecting franking by postmasters; and the deduction, as far as can be ascertained, which the public revenue sustains from their franking.

This, said Mr. I., is a most important item. Unless he was mistaken, the abuses of this privilege of franking were enormous. For instance, a gentleman residing at one place, with an estate at a distance in another, asks the Postmaster General to establish a post office near his estate; the Postmaster General complies; a steward or other agent performs the duties, which are seldom very heavy. The product to the Treasury, in the course of a year, may be ten or twenty dollars. Yet the gentleman with the privilege, living at a distance, never attending to the office, franks letters and packages to any extent he pleases. Again: a deputy postmaster is placed on an elec-

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tionering committee—or even without that excuse, he franks all the communications which a committee, or a caucus, or a printer may request of him. Abuses of this sort, Mr. I. had heard of, to a most unwarrantable extent. He had not, however, no doubt, been acquainted with half the extent of the civil.

8. Information of the particular duties performed by the Deputy Postmaster General, and by the Assistant Postmaster General, as distinct from the duties performed by the Postmaster General; in order that it may appear whether the permanent existence of all three of those offices is indispensable to the public service.

Mr. I. was not prepared, he observed, to question the propriety of that arrangement which indulged the Postmaster General with two principal deputies, besides seventeen clerks. But he thought no harm, at all events, could result from an investigation into this subject. Assistants had not long ago been refused to the Secretary of War, at a moment when his official duties were immensely increased. Such a thing was not known in any of the other Departments. A bill had lately been reported, pursuant to a resolution, for compelling the Attorney General to reside permanently at the Seat of Government. If the Postmaster was entitled to deputies and assistants, why not gratify the Attorney General with them too? Yet nobody dreamt of such a thing.

But Mr. I. said, that his only object at present was inquiry, which to be sure could do no harm. He was persuaded that it would be attended by beneficial consequences. The system would be renovated. Many abuses would be extirpated. The public money would be economised. Appointments to important offices would be regulated on Constitutional principles. Perhaps the answers called for by this resolution could not be afforded in time to legislate on the subject this session; more especially, as it appeared to be in contemplation, very wisely as he thought, to make it short by an early adjournment. But, either at this or a succeeding session, he had no doubt that the information to be obtained under this resolution would convince Congress of the necessity of their interposition and enable them to make it effectual for the better organization of the Post Office Department.

The resolution was ordered to lie on the table, and be printed.

MODIFICATION OF THE EMBARGO.

The House resolved itself into a Committee of the Whole on the bill to provide for the return to their own districts of vessels detained by the embargo in other districts than those to which they belong. The bill was reported to the House with several amendments, which were concurred in by the House.

A motion was then made by Mr. KING, of Massachusetts, further to amend the bill, by striking out the word "provisions," in the 12th line, and the following words contained in the 12th, 13th, and 14th lines: "which were on board the same when the masters received notice of the act as aforesaid."

A division of the question was called for by Mr. MURFREE, and, on the question to strike out the word "provisions," it was determined in the negative—yeas 51, nays 69, as follows:

YEAS—Messrs. Baylies of Mass., Bayly of Virginia, Bradbury, Breckenridge, Brigham, Cilley, Cox, Culpeper, Davenport, Davis of Massachusetts, Dewey, Ely, Gaston, Geddes, Grosvenor, Hale, Howell, Hungerford, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Lewis, Lovett, Markell, Miller, Moffit, Oakley, Pearson, Pickering, Pitkin, Post, John Reed, Ridgely, Ruggles, Schureman, Shelley, Shipherd, Smith of New York, Sturges, Taggart, Tallmadge, Thompson, Vose, Ward of Massachusetts, Webster, Wheaton, White, Wilcox, Wilson of Massachusetts, Winter, and Wood.

NAYS—Messrs. Anderson, Avery, Bard, Barnett, Bowen, Brown, Butler, Caldwell, Chappell, Clopton, Comstock, Condict, Conard, Crawford, Crouch, Davis of Pennsylvania, Denoyelles, Desha, Earle, Evans, Farrow, Findley, Fisk of New York, Forney, Gholson, Goodwyn, Griffin, Grundy, Harris, Hasbrouck, Hawes, Ingersoll, Ingham, Irving, Kennedy, Kerr, Kershaw, Kilbourn, King of North Carolina, Lefferts, Lyle, Macon, McCoy, McLean, Murfree, Nelson, Newton, Parker, Piper, Pleasants, Roa of Pennsylvania, Rhea of Tennessee, Rich, Roane, Roberts, Robertson, Sage, Sevier, Seybert, Skinner, Smith of Pennsylvania, Smith of Virginia, Stanford, Tannehill, Telfair, Udree, Williams, Wilson of Pennsylvania, and Yancey.

The question was then taken on the residue of the amendment proposed by Mr. KING, and was also determined in the negative.

A motion was made by Mr. PICKERING, to amend the bill by striking out the second section, when the House adjourned.

MONDAY, February 7.

A new member, to wit: from Georgia, ALFRED CUTHBERT, elected to supply the vacancy occasioned by the resignation of William W. Bibb, appeared, was qualified, and took his seat.

Mr. STURGES presented petitions from sundry inhabitants of the State of Connecticut, who are non-resident proprietors of lands and houses in the State of Ohio, to the same effect with the petition of sundry inhabitants of the State of Massachusetts, presented on the 31st ultimo, which were referred to the Committee of Ways and Means.

Mr. McKIM presented a petition of sundry merchants and ship owners in Baltimore, praying that a bounty may be allowed to the owners, officers, and crews, of private armed vessels, for the destruction, at sea, of enemy's property.—Referred to the Committee on the Naval Establishment.

The SPEAKER laid before the House the annual report from the Commissioners of the Sinking Fund; which was read, and referred to the Committee of Ways and Means.

Mr. ARCHER, from the Committee of Claims, reported a bill for the relief of Jesse Jennet; which was read twice, and committed to a Committee of the Whole to-morrow.

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The House resumed the consideration of the bill "to provide for the return to their own districts of vessels detained by the embargo, in districts other than those where they are respectively owned or belong."

The question pending on adjournment, to strike out the second section, (restricting the number of seamen on board the said vessels, and prohibiting the transportation of passengers, other than the owner, supercargo for the same, or for the cargo,) was again put.

Mr. PICKERING, of Massachusetts, supported, and Mr. GRUNDY opposed the amendment; which was rejected by yeas and nays—yeas 56, nays 83, as follows:

YEAS—Messrs. Baylies of Massachusetts, Bayly of Virginia, Bigelow, Boyd, Bradbury, Breckenridge, Brigham, Caperton, Champion, Cilley, Cox, Culpeper, Davenport, Davis of Massachusetts, Dewey, Ely, Geddes, Goldsborough, Hale, Howell, Hungerford, Kent of New York, King of Massachusetts, Lewis, Lovett, Macon, Markell, McKee, Montgomery, Moseley, Nelson, Oakley, Pearson, Pickering, Pitkin, Post, John Reed, Ridgely, Ruggles, Schureman, Sherwood, Smith of New York, Stanford, Sturges, Taggart, Tallmadge, Thompson, Vose, Ward of Massachusetts, Ward of New Jersey, Wheaton, White, Wilcox, Wilson of Massachusetts, Winter, and Wood.

NAYS—Messrs. Alexander, Alston, Anderson, Archer, Avery, Bard, Barnett, Bowen, Brown, Butler, Calhoun, Chappell, Clark, Clopton, Comstock, Condict, Conard, Crawford, Creighton, Crouch, Davis of Pennsylvania, Denoyelles, Desha, Earle, Eppes, Evans, Farrow, Findley, Fisk of Vermont, Fisk of New York, Forney, Forsyth, Franklin, Gholson, Goodwyn, Gourdin, Grundy, Hanson, Harris, Hasbrouck, Hawes, Hubbard, Humphreys, Ingersoll, Ingham, Irving, Irwin, Jackson of Virginia, Johnson of Virginia, Kennedy, Kent of Maryland, Kerr, Kershaw, King of North Carolina, Lefferts, Lyle, McCoy, McKim, McLean, Murfree, Newton, Ormsby, Parker, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Roane, Roberts, Sevier, Skinner, Smith of Pennsylvania, Smith of Virginia, Strong, Tannehill, Taylor, Telfair, Troup, Udree, Williams, and Yancey.

Other amendments of a minor character were proposed by Mr. BRADBURY of Massachusetts, Mr. VOSE of New Hampshire, Mr. J. REED of Massachusetts, Mr. PITKIN of Connecticut, and Mr. WARD of Massachusetts, going to extend the provisions of the bill, or relax its restrictions, so as to permit the vessels permitted so to return, to carry passengers, to carry provisions and naval stores, (interdicted by the bill,) &c. These amendments, which gave rise to a display of more desultory argument and declamation than the subject would appear calculated to excite, were supported by the movers, aided by Messrs. BAYLIES, GROSVENOR, and others, and opposed by Messrs. GRUNDY, FARROW, MCKIM, MCKEE, and FISK, of New York. They were all negatived, two or three of them having been decided by yeas and nays.

Mr. KING, of North Carolina, also proposed an amendment authorizing the President to instruct

the Collector of Wilmington, in North Carolina, to authorize certain individuals engaged in the erection of salt works to transport by water the lumber necessary for the same. This motion was amended, on motion of Mr. WOOD, of Massachusetts, so as to include a provision applicable to the importation of lumber for like purposes, from any port of Maine to any port of Massachusetts. Thus amended, Mr. KING's motion was rejected by 62 to 61.

After the rejection of all these amendments, Mr. WILSON, of Massachusetts, rose to propose an amendment to the bill of more general character than the several amendments which had so far been proposed to the bill. He wished to try the principle whether the House was disposed to continue the interdiction of trade from one port to another of the same State. With this view he moved to add the following as a new section to the bill:

"And be it further enacted, That the President be, and he is hereby, authorized to instruct the collectors aforesaid to clear out all vessels with their cargoes from any port in any State to another port in the same State."

Mr. W. made a short speech in support of his motion. He adverted to the importance of this question. He said it had been deemed of sufficient moment to be made the subject of a part of the communication from the Governor to the Legislature of a respectable State, and for the different branches of that Legislature to take it into consideration. It appeared to him, for this reason, as well as those which he afterwards enumerated, to be the province of this Legislature to take the subject into their serious consideration. Among other arguments against the expediency of interdicting the coasting trade, he stated the fact that in some districts of the State of Massachusetts, that between Penobscot and Schoodic, for instance, there was not, in the most prosperous years, more than one-fourth enough provision raised for the consumption of the district; and, if they meant to support life, the law lately passed left to them no other alternative than that of breaking the law, or leaving the soil. A great Constitutional question also presented itself, whether Congress had a right to interdict the intercourse between ports in the same State. On referring to the Constitution, no such power was to be found. A power was indeed given to regulate commerce with foreign nations, between the different States, and with Indian tribes—and the expression of these seemed to exclude all other power on this head, and of course to exclude the power of regulating commerce within the States; and he was the more inclined to believe this construction correct, because the grant of power to regulate commerce with the Indian tribes would have been superfluous if all power to regulate commerce within the States was given. It was a fact, he said, that some of the islands with which, under the embargo law, all commerce was interdicted, were entitled to send representatives to the State Legislature, who were thus prevented from attending the seat of Government. Some

of these towns contributed to send a Representative to this floor; and such was the absurdity of our laws, that, if a Representative were to be chosen from one of these islands, he could not attend the duty, because he was prohibited from moving. The Constitution never contemplated such a case as this. As to the distance of these islands from land, Mr. W. said, the whole British navy could lie between some of these islands and the main land. Mr. W. made a number of other observations, and concluded by inviting a fair discussion and decision on this motion.

Mr. GRUNDY, of Tennessee, said it was from no disrespect to the gentleman last up that he declined going into the discussion he had invited. Although the question had been distinctly decided by the House, Mr. G. said he did believe there were many individuals in and out of the House who were of opinion that Congress did not possess the power to interdict the coasting trade. He was aware of the expression of the sentiments of the Governor of a respectable State, and of the resolutions of the Legislature, which would probably be consequent on it. Whenever they should come before this House, it would then be in the power of those who entertain no doubts on the subject to show the justice of their opinions. If the House were now to enter into an investigation of this subject, the passage of this bill, which gentlemen had represented as immediately necessary, would be much delayed. He believed it would take a week to discuss the question just proposed, if seriously taken; and it was well known that, but for this bill, the loan bill would have been even this day taken up. It was evident, therefore, that this was not the moment for discussing the question; and it was, therefore, for his part, that he declined entering into it.

On motion of Mr. OAKLEY, of New York, the House then adjourned.

TUESDAY, February 8.

Mr. OAKLEY, from the Committee on the Judiciary, reported a bill for the better organization of the Courts of the United States within the State of New York; which was read twice, and committed to a Committee of the whole House to-morrow.

Mr. LOWNDES, from the Committee on Naval Affairs, reported the bill from the Senate, "in addition to an act, entitled 'An act allowing a bounty to the owners, officers, and crews, of the private armed vessels of the United States,' with amendments; which were read, and, together with the bill, committed to a Committee of the Whole to-morrow.

The engrossed bill giving pensions to the orphans and widows of persons slain on board the public or private armed vessels of the United States; the engrossed bill for attaching to the Canton district in Ohio a tract of land lying between the foot of the Rapids of Miami and the Connecticut Reserve; and the engrossed bill to compensate Michael Hogan for the occupation

and damage done to his house by certain United States troops; were severally read a third time, and passed.

MODIFICATION OF THE EMBARGO.

The House resumed the consideration of the unfinished business, being the bill "to provide for the return to their own districts of vessels detained by the embargo in districts other than those where they are owned or belong."

The amendment moved by Mr. WILSON, of Massachusetts, viz: to amend the bill by appending thereto a new section, requiring the President to instruct the collectors to clear out all vessels from one port to another of the same State, being still under consideration—and no debate arising thereon—

The question was taken on this proposed amendment, and decided in the negative—yeas 49, nays 74, as follows:

YEAS—Messrs. Baylies of Massachusetts, Bayly of Virginia, Bigelow, Bradbury, Breckenridge, Brigham, Caperton, Champion, Cilley, Cox, Culpeper, Davenport, Davis of Massachusetts, Dewey, Ely, Hale, Hopkins of New York, Howell, Hungerford, Jackson of Rhode Island, King of Massachusetts, Law, Lewis, Markell, McKee, Moffit, Montgomery, Moscley, Pearson, Pickering, Post, Potter, William Reed, Ruggles, Sheffield, Smith of New York, Stanford, Stuart, Sturges, Taggart, Tallmadge, Thompson, Vose, Webster, Wheaton, White, Wilcox, Wilson of Massachusetts, and Winter.

NAYS—Messrs. Alexander, Alston, Anderson, Archer, Avery, Bard, Barnett, Beall, Bowen, Bradley, Brown, Calhoun, Chappell, Clark, Comstock, Conard, Crawford, Creighton, Crouch, Cuthbert, Davis of Pennsylvania, Denoyelles, Desha, Farrow, Findley, Fisk of New York, Forney, Forsyth, Gholson, Goodwyn, Grundy, Hall, Harris, Hasbrouck, Hawes, Hubbard, Humphreys, Ingersoll, Ingham, Irwin, Johnson of Virginia, Kennedy, Kerr, Kershaw, King of North Carolina, Lefferts, Lowndes, Lyle, McCoy, McLean, Murfree, Newton, Ormsby, Parker, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Roane, Roberts, Sage, Sevier, Seybert, Smith of Pennsylvania, Smith of Virginia, Tannehill, Telfair, Troup, Udree, Ward of New Jersey, Williams, Wilson of Pennsylvania, Wood, and Yancey.

Mr. KING, of North Carolina, moved to amend the bill, by adding to it a new section, to the following effect:

"That the President be and is hereby authorized to permit the transportation by water of such lumber as may be necessary in the erection of salt works, provided it should appear that the same have been prepared before the passage of the embargo act, and provided the owners of the same shall give security in double the value of the vessel and cargo that the lumber thus transported shall be applied exclusively to the erection of salt works."

This motion was negatived, without a division.

The SPEAKER having declared this vote before Mr. KING was aware of it, and he not being therefore allowed to move a division of the House on the question—

Mr. KING then moved that the bill be recommit-

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ted to the Committee of Foreign Relations, with a view to having some such provision incorporated therein. This motion was also negatived.

Mr. K. then moved that the bill be recommended to a Committee of the whole House. This question was decided in the negative, by yeas and nays, by a majority of about two to one.

The question being then stated, that the bill be engrossed for a third reading—

Mr. POTTER said he was opposed to the bill, because it did not give the desired relief to individuals; and the contemplated relief to the Government, in the last section, in the transportation of stores, could as well be done in public vessels. He said, if the Government wished or expected the people to have confidence in their measures, they must have more stability themselves; as in proportion to the instability of the Government, were the want of confidence, murmurs, complaints, and disaffection, of the people. What, he asked, was the fact, as it respected the embargo recently passed, in great haste, but with a full knowledge of the situation of every part of the nation? By the time it was made known throughout the United States, a bill was passed for the relief of the people of Nantucket. An agent from that place, waiting on Congress to get relief from their taxes, which he found impracticable, as he was here, would accept of something, neither asked nor thought of by his employers; a bill was therefore passed for their relief, who at the time must have been much better off than the people in the Eastern country generally. As he, Mr. P., had heard, that about the time that bill passed, a large quantity of flour was advertised for sale at that place, and by the time that bill reaches them they will expect another. Under such circumstances, what confidence can the people have in any acts of the Government? This bill, merely giving an opportunity to carry home empty vessels, is no advantage to many of the people concerned in them—particularly to those in Massachusetts—as the men belonging to them have mostly gone home, some hundreds of miles, by land. This bill gives them liberty to travel back, and take their vessels home, taking as many sailors to work them as in the opinion of the collector is necessary; giving bonds in the sum of five hundred dollars each, to deliver them at the port of destination. And, if a poor sailor is willing to go on board, and work his passage home to his family, he cannot be admitted by this law to that privilege, unless he can procure bonds, in the sum of five hundred dollars, that he will go home to his family, and not run away; and not even then, if the collector should be of opinion that they have men enough to work the vessel without. As this bill, therefore, gives them little or no relief, it will encourage them to expect something better. As they cannot suppose this bill was passed to aggravate their sufferings, you therefore keep them in idleness, waiting in suspense, to their ruin, instead of seeking some other employment for the support of themselves and families.

Mr. P. said, he was unwilling to believe that

the situation of the people in Massachusetts was as bad as had been represented; but, he said, they would better their condition, if, instead of depending upon the instability of the General Government, and waiting for the embargo to be broken down, or repealed, they would have as much confidence in themselves as the people in Rhode Island had. When they were drawn from their usual employment by the restrictive system, they immediately employed themselves about other business, and were now very well off, when compared with many other States. They raised everything necessary to eat, and manufactured everything necessary to wear. They manufactured for the Middle and Southern States, and the State was increasing in wealth and population; and, if the present state of things continued, instead of emigration from the Eastern States, he expected to see the people removing from the frontier settlements to them, as it is natural for them to go where they can live the easiest and best, and get the most. He said, the operation of the present system upon the Eastern and Southern States was very much as it would be in the United States, generally, if we were to permit large importations of foreign goods, and prevent the export trade entirely. The consequence would be, if we could not export our produce to pay for our importations, it would very soon drain all the money out of the country. What, he asked, was the situation of the United States, in the present state of things? The Eastern States purchase the raw material cheap from the South, manufacture it, and send it back to them to consume, with all the expenses of manufacturing and transportation both way, with such profits as they see fit having no foreign goods to compete with them. The Southern people cannot pay with their produce; the consequence is, their produce must remain on their hands without a market, and the Eastern people are getting away all their money, which is very evident from the present tendency of the specie from the Middle and Southern banks to the Eastward. And although, he said, the Eastern States had suffered much by the loss of their commerce, and were not doing as well as they had been, yet, by the very high price on the very great quantities of foreign goods they had on hand, and by their industry, and the advantage at present given to their manufacturing establishments, their situation, when compared with many others, was very good.

Mr. P. said, he was for commerce unshackled and unrestrained, or embargo rigidly enforced. Let the people have something that they can depend upon: if you give them commerce, let them have it free, and time to enjoy it; if you give them embargo, let them have it, and they will calculate accordingly. Let them have something certain and speedy, that they may know what to depend upon.

Mr. P. said, it had been very unpleasant to him to see many of his constituents and friends, after spending their time and money in building, lading, and manning ships, for foreign voyages, and just ready to unfurl their sails, prevented from

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going to sea by an embargo, to their ruin. And, at this time, when those people, having placed confidence in the frequent professions of those in power, concerning manufactories, and had placed much of their property in that business; and when the Administration, upon mature reflection, having a full knowledge of the situation of every part of the nation, had adopted a system, and the people had prepared themselves for the continuation of it, supposing the Government had sufficient reason for adopting it, and that it would continue as long as those reasons existed—he hoped the Government would have a proper regard for their character for stability and consistency, and not adopt a course of policy equally as destructive to them as the restrictive system was in the first instance.

Mr. P. said, although he had always been opposed to an embargo, and was not concerned in either commerce or manufactures, he hoped this embargo would continue during the war, that the people may know what they have to depend upon, and the Government may have a fair trial of their system. And he believed, if it was rigidly enforced, that every man in the nation must soon see that it has been wholly inoperative upon any nation except ourselves; that it had destroyed the revenue and the best interest of this country, and the President would have no excuse to recommend another at any future period, by believing, if this had not been evaded or relaxed, it would have had the desired effect.

Mr. P. said, it was of very great importance to the people, that they should know how to adapt their industry to the views of the Government and situation of the country; and, for his part, he was tired of changing one expedient for another, and that it was better for the people to have the laws steady—their rights few, steady, and defined—than to have many in imagination, and be kept in a state of suspense and uncertainty, to their ruin.

The bill was ordered to be engrossed for a third reading.

ADDITIONAL RIFLE CORPS.

The bill which passed this House a few days ago for the conversion of five regiments of infantry into riflemen, was returned from the Senate with an amendment, striking out the material part of the bill, and substituting a provision to raise three regiments of riflemen in addition to the military force now authorized by law.

And the question having been stated on concurring in said amendment—

Mr. TROUP, of Georgia, advocated the adoption of the Senate's amendment. He recapitulated the arguments which had been urged in this House when the subject was before under consideration, and drew a conclusion that it would be best upon the whole to accept the amendment of the Senate. In reply to the argument then urged, that the bill proposed an augmentation of the expenses of our Military Establishment, which ought to be avoided, Mr. T. said that four regiments of volunteers, last year in service, having

now passed out of service, the addition of three new regiments, as proposed by the Senate, would still leave a diminution of the total of our authorized military force. It was, he understood, in contemplation to introduce a bill to authorize a consolidation of all the regiments; and if such a proposition should succeed, no doubt the President would, as soon as practicable, consolidate all the force actually in service, and rid the public of the burden of supporting as many unemployed officers as should appear to be supernumerary. On this consideration, he conceived it would be advisable to adopt the amendment. It was also known that the fortunes of Europe have changed. If the result should be a general continental peace, to which Great Britain would now be a party, a vast British force now employed on the Continent would be liberated from that service, and some part of it at least, might, during the next Summer be employed on our frontier; and, in that event, it might be a matter of painful regret to the Legislature that there had been an omission of a provision of this character for the general defence. The responsibility for the proper prosecution of the war rested with the Executive Department of the Government, by whom a call had been made for these three regiments, in addition to the present Military Establishment. There would be a great advantage, he added, in the opportunity afforded by the proposed amendment of selecting the officers and men to compose these regiments from the parts of the country most accustomed to the use of the rifle, and it would not be easy, from the officers now in service, to make such a selection; and there appeared to be a confidence that they would be easily raised. Such was the popularity of this description of force, that three regiments of riflemen could be more expeditiously raised than one of infantry. The effect of this measure, therefore, would be at once to place at the disposition of the Government three thousand men; an object which, under present circumstances, was of no little moment.

Mr. SHEFFEY, of Virginia, said it would be very extraordinary, if true, that of nearly six thousand officers in the public service, and doing nothing for their wages, we cannot select an hundred men fit to command three regiments of riflemen. If so, the country was in a more deplorable situation than even gentlemen in the minority had been in the habit of supposing. But such was the amount of the argument; for it had been alleged that, although there were officers enough, more than there was any use for, yet they would not suit the purposes of this bill, for which new officers must be appointed. Mr. S. said he did not think so meanly of the officers now in service. From what quarter did the gentleman expect to obtain men fit to command in these rifle regiments? From Georgia, Tennessee, Kentucky, and Ohio. Now there was not a man in our present Army from those States, who was fit for anything, that was not competent to command in rifle corps; and, instead of one or two hundred, the required number to officer these re-

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giments, there were five, if not ten times the number of officers in the present Army from those States. It did appear to him, he said, that when members saw crowding upon them loan bills to the amount of he did not know how many millions; treasury note bills for he did not know how many millions more, some attention ought to be paid to the principles on which the present majority had come into power; to husbanding the public resources, not squandering them. The gentleman had told the House that our military force, even with the proposed addition, would not be greater than it was last year. Mr. S. said it would be greater by the number of officers at least. Last year officers enough had been appointed, if he mistook not, for an army of sixty-three thousand men, and their number was not reduced. This amendment, if agreed to, will add to the Military Establishment, on paper and at the Treasury, three thousand men. He rose principally to call the yeas and nays on this question. He could not persuade himself, he said, that there are not among the thousands of men who eat the public bread without rendering any service therefor, a sufficient number competent to do duty in rifle regiments, without appointing others. He, therefore, could not vote for the amendment.

Mr. ROBERTSON, of Louisiana, said he should vote for the Senate's amendment, because although every observation made by the gentleman last up might be true, yet he believed it his duty to vote for it as an augmentation of the Army. Although the men now in power might not have come into it on principles of economy, they came in on broader principles, the general good and the safety of the country, which is now a stronger, and ought to be a more operative principle than that of economy. The view which had been taken of this subject by the chairman of the Committee, ought to excite the attention of the House. He had adverted to the present state of Europe, and demanded whether, under present circumstances, a larger army was not necessary for the protection and safety of our country. What certainty was there, that with the immense armies now under the control of England, and her great Navy, she would not make an attempt on this country infinitely more hazardous to our existence as an independent people than we can anticipate? It was impossible to take a view of the present omnipotence of the British Government, without feeling a conviction of her power to injure us. While there remained a Power in Europe in some measure competent to counteract her stupendous force, it might not have been necessary to feel in relation to that Power as prudence at present dictated. Our attention had, for a length of time, been diverted from the course of Great Britain, and fixed almost exclusively on the disposition of him who had been called the tyrant of the world, to produce in Europe a power destructive of the liberties of Europe, and ultimately of this nation. What was the present state of things? How much soever we might have had to fear, under any imaginary state of

things, from the preponderance of France, we had infinitely more now to fear from Great Britain. While our sympathies have been directed to the fate of Spain, Holland, and Italy, Britain had, either openly or clandestinely, possessed herself of all the naval power of the world. Her recent successes on the Continent called upon us to take a view of the situation of our own country, now differing materially from what it had been. While we had been amused by alarms sedulously excited as to the growing power of Bonaparte, Britain had possessed herself of all the power necessary to enable her to operate. She is the Power which we ought to fear; against which we ought to be on our guard. Instead of using her resources in Europe in future, why might they not be employed to subsidize foreign troops for service in this country? Why might not the troops in Spain be transported to the United States? What was to prevent it? The ocean is free to her ships, and she has no use in Europe now for the immense force and expenditure heretofore employed. Under a full view of these considerations, he should vote for the Senate's amendment. So far from refusing the demands of Government, all he feared was, that there would not be a sufficiency of proper feeling throughout the country on this head; and that enough force would not be asked for the security of our liberties from impending danger.

Mr. WEBSTER, of New Hampshire, opposed the amendment of the Senate. For his part, he said, he was not panic-struck with the late increase of the power of the enemy. He did not feel the firmness of his nerves shaken, particularly when he reflected how capable this country is to meet any exigency which might arise. He could wish that some of the considerations now so feelingly impressed on this House, had suggested themselves to gentlemen before the measures were taken which placed us in our present state of war. He did not know, he said, that the naval force of Great Britain was greater now than it was when we entered into this war; and, however that might be, he did not feel that the salvation of this country rested on the question, whether three regiments of infantry should be converted into riflemen, or the riflemen should be raised in addition to the present military establishment. Mr. W. said he should be sorry if he could suppose that the safety of the country, its capacity to defend itself, depended on this question. Gentlemen now spoke as if they were afraid of being overrun; as if at this early period we were hardly able to defend ourselves. He trusted the Government would now see the necessity of defensive measures. He felt humiliated, as a member of the community, to hear it said great efforts are necessary to defend ourselves. If such efforts were necessary, it was not the fault of the country; it did not arise from the want of resources, but from the wanton misapplication of those resources. Mr. W. said, he could see no reason for the amendment proposed, which would only have the effect to raise additional officers, without promising any benefit to the public service in

anywise commensurate with the increased expense.

Mr. GHOLSON, of Virginia, rose principally to reply to a remark which fell from Mr. WEBSTER. Mr. G. said he felt a confidence that the resources of the nation had not been wantonly but judiciously applied. When it was recollected that England, with her hundred ships of war on our coast, had not been able to gain a foothold in our territory since the declaration of war, he did think that the remark, that our resources had been wantonly misapplied, was not justified by facts. An efficient protection had been extended to our maritime frontier; and the protection afforded to New York was not inferior to that given to any port even in France. Mr. G. said he did not feel at all alarmed for the safety of the country. If Lord Wellington and his hundred thousand men were transported here to-morrow, they would be repelled with disgrace. The power of the country was amply sufficient for all the purposes of defence, and for the purpose, he trusted, of also chastising an invading enemy.

Mr. GROSVENOR, of New York, spoke at some length against the amendment. After going over the ground taken by Mr. SHEFFEY, against adding to our present army, he stated that, whatever might be the circumstances of the country, they could have no weight unless it were proved that the men authorized by law to be raised could be recruited. We had not in service altogether more than perhaps 15,000 regulars, whilst officers were appointed and receiving compensation for four times the number. He protested also against the doctrine that this force was to be voted because the Executive had required it. On all subjects coming before them, they ought to judge for themselves, as the Constitution required. The only question ought to be, not does the Executive request this or request that, but, does the country require this or require that? He then noticed the remarks on the present aspect of European affairs. I have long thought, said Mr. G., that this war would lead you into the difficulty the gentleman from Louisiana suggests. I never believed you would carry into effect your project. I am glad that gentlemen are waking to their senses on this subject; that they are now thinking of making provision for defence instead of conquest. Once the subject was differently viewed. Once we were to march with a few regiments into Canada, and sweep British power from the continent. In theory, Mr. G. said, we were coming to our senses, but our practice was against our theory. Although the object of the war never could be attained, we were pushing on in the same old blustering manner, laying embargoes, raising armies, &c. Mr. G. ridiculed the idea which had been held out of the efficiency of the protection afforded to the maritime frontier; quoted the address of the Republican Legislature of North Carolina to disprove it; cited the exposed situation of Maryland and other States bordering on the ocean; and said, in short, that there were not ten points from Maine to Georgia but what were exposed, and lay at the mercy of

the enemy, &c. The country possessed resources enough in men and money, and would unite and freely expend both in opposition to any invading enemy. But the people would not agree to carry on this offensive war, about the causes of which its very advocates disagree; they were not satisfied that the blood of the nation ought to be poured forth to attain objects not essentially important; and which, if important they were, are not within our grasp at this time. Mr. G. again turned his attention to the bill, and said, there were thousands of men appointed to military office living like leeches on the Treasury, who were unemployed; and he saw no reason for adding to their numbers, as proposed by this bill.

Mr. RHEA, of Tennessee, spoke in favor of the amendment. He paid all respect to the advice of gentlemen in opposition to it, but at present he could not take it, because he was compelled to pursue his own opinion; which was favorable to every measure calculated to support a war which he religiously believed to be just, and undertaken in a good cause.

Mr. ROBERTSON, of Louisiana, again spoke, partly in explanation, and partly in reply to those who had followed him. He disavowed any assertion, as imputed to him, that the officers now in service were not to be trusted. He denied, also, that he had contended for the infallibility of Executive recommendations. He had been very much misunderstood, too, he said, if he had been understood to feel any panic or affection of the nerves at the magnitude of British power. But was it not well to understand the character of your enemy? The gentlemen on the other side had frequently expressed their fears of the predominance of France. Were they panic-struck at the power of the Corsican tyrant? Were their nerves affected, and were they fearful of his might; or did they take a clear view of his power, and see cause for apprehension in its magnitude? Whether fearful or not of British power, it was proper to pay some regard to the extent of a power, greater perhaps than ever had been possessed by any Power since the days of civilization began. The situation of things on which the present war was predicated was very different from the present; and was it not wise to make preparations to meet it? Mr. R. declined on this occasion entering into the subject of the expenditure of public money as ill-timed, &c.

Mr. GHOLSON also spoke in explanation, and vindicated his remark as to the defence extended to the maritime frontier. To be sure a few villages in Maryland had been destroyed, but who ever thought of defending harmless villages, in no way connected with military operations? What Government but that of Great Britain ever thought of making war upon them? He made a number of remarks illustrative of the general defence provided by the Government, and of the comparative assistance extended to Maryland and Virginia, and the relative co-operation of the State Governments, &c., and concluded by repeating the opinion he before expressed relative to the defence of the important posts on the seaboard.

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Mr. CALHOUN, of South Carolina, spoke in reply to Messrs. GROSVENOR and WEBSTER. He said the arguments of these gentlemen, in relation to the protection of the frontier, would be much better if our memories were worse. Who did not recollect the predictions so often reiterated during the first session of the twelfth Congress, that within six, or at furthest twelve months after the declaration of war, our seacoast would be depopulated, our towns destroyed, our cities burnt, and the inhabitants driven beyond the mountains? Were these predictions realized? Or rather, were they not in every respect falsified? So great had been the impression produced in England by the inactivity of the vast British armaments on our coasts, that it had excited the attention of the Parliament, and produced much censure. This inactivity, however, Mr. C. believed, arose not from any deficiency of that spirit and enterprise which has always been considered the characteristic of British seamen, but was owing to the danger of attempting any thing against our fortified posts. Mr. C. was, therefore, surprised at the allegations of the defenceless state of our seacoast. The language of gentlemen had a meaning, however. They had ever striven to make our efforts against Canada abortive. One way to do so, was to call out more than the proportion of military force to the seacoast, and leave the Government destitute of the necessary force to carry on operations in the North. They would then have an opportunity to say that our arms had failed. They were actors at the same time they were prophets; and verified their own predictions by using every effort to bring them about, in order that they might take advantage of them. It was very difficult to give entire protection to every part of our seacoast; but in the main the protection had been fully adequate to the enterprises of the enemy against it. The object of the accusation and clamor on this head was evidently to divert the public attention from Canada, and weaken our efforts in that quarter.

Mr. GROSVENOR made another speech of considerable length, expatiating principally in support of the position he had taken, when up before, relative to the defenceless state of our seaboard. Among other observations, he said that many of the towns on the seaboard were subject to destruction at any moment by a single frigate; and, merely because the enemy had forborne to destroy them, the gentleman contended they were properly defended! This was, he said, a slender reliance. Were these towns defended against the probable consequence of attack? Mr. G. denied that there had been sufficient defence; and entered into a particular examination to show that there had not been. New York, he said, until lately, had been in such an ill state of defence, as not to have been defensible against two seventy-fours—and entered into an examination of the defenceless state of the fortifications and defences at other places, &c., by all which he supported his first position of the deficiency of defence assigned to the maritime frontier. The gentleman from South Carolina has said that we

(the Opposition) have an object in this language. Who introduced this discussion? Not we, but the gentleman from Louisiana. The truth was, Mr. G. said, that the Government had deserted the seaboard and carried its troops on a Quixotic expedition into Canada. He did indeed wish to divert their attention from Canada, but not by indirect means, but by open and avowed ones. It was an object, he said, not within their reach; an object, in the pursuit of which the blood of the people had been and would be poured out without the slightest benefit to the country. The House were now told this war had assumed a new aspect, that Britain was all-powerful. Gentlemen ought to have anticipated it. He well recollected, he said, the time when war was declared; it was about the time when the conqueror carried his army into Russia, when, through the subjugation of continental Europe, England was to be reached and prostrated. It was at that moment we declared war against Great Britain. And what was now our situation? How long was this war to be continued, plunging the nation still deeper and deeper in disgrace?

Mr. CALHOUN replied.—He said the gentleman had very improperly charged the minority with bringing on this discussion. The gentleman himself, on this, as on every other occasion, introduced this topic of the defenceless state of our cities; and he would now state a few facts on this head which should put the gentleman down. He then entered into a view of the defence of various parts of the coast, and the results of attacks attempted by the enemy. As to New York in particular, he had been informed by a distinguished naval commander, so far from not being able to resist two seventy-fours, that few towns in the world presented so respectable a defence. The defence of our seaports, he concluded, was not to be credited to British forbearance. He declined entering into other topics broached by Mr. GROSVENOR, though he did in no wise agree with him. To me, said Mr. C., it is matter of astonishment to see American citizens, in this body or elsewhere, get up and tell you that all your objects have failed; that your situation is hopeless; and, that instead of treating the subject with patriotic feeling, instead of exhibiting despondency at that degradation of their country which they fancifully imagine, they really appear to repeat it with delight and exultation. How, said Mr. C., do you test a friend? By his sympathy in your joys, his condolence and depression at your sorrows. How then do you prove a patriot? By his sympathy with his country's cause. If that country be in prosperity, his face beams with joy; if in adversity, it is clouded with sorrow. Does the latter comport with the manner of gentlemen in speaking thus of the situation of their country? No, sir; their countenance and manner are wholly different. Mr. C. was not however of the same opinion with the gentlemen. He still thought the country, if united, possessed the means of accomplishing all the objects of the war, protecting our seamen, and rendering our commerce secure. As to the con-

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quest of Canada, he hoped we possessed ample means to reduce all the British provinces on this side the water, and he feared not of accomplishing the object if necessary.

Mr. WEBSTER again spoke.—He said he wished the gentlemen of the majority could on the present occasion have met the allegation of a neglect to defend the maritime frontier with some better reply than that the war had not been as disastrous as some gentlemen had apprehended it would be, that some part of the coast was yet safe, that it was not all laid in ashes, &c. Instead of this, we ought to have been told of great rights secured. What object had been effected by the war? None, notwithstanding all the sacrifices of treasure and blood, and losses by the embargo, &c. Mr. W. enumerated some defenceless positions in the East, and said he could mention many others if he thought proper. And it was because the resources of the nation had been wantonly misapplied—for such he called it, to leave your own soil defenceless in search of foreign conquest, &c. If there was any one object of Government higher than all others, it was the protection of our own soil; and if the Government did not grant it, it failed in the end for which Government was instituted. As to the resistance afforded by the inhabitants, which appeared to be relied on, Mr. W. said, men would defend themselves if there were no Government.

Mr. FISK, of Vermont, expressed himself favorable to the amendment; and in voting for it, he said he bore in mind the advice given to the majority the other day by a gentleman from Rhode Island, that, as they were responsible for the conduct of the war, they should “do their own business in their own way.” He discussed and replied to some of the objections against the Senate’s amendment, and answered to some remarks which came from gentlemen on the other side. As to the war, it was absurd enough to hear those charging the Government with leaving the seaboard destitute of military force, who had declared on this floor that they had heretofore and would again discourage enlistments. It was equally so to hear those complain of defenceless seaports, who within his recollection, a year or two ago, voted against a large appropriation for fortifications. As to the failure to afford protection to our citizens, Mr. F. said, it was in pursuance of the great duty of affording protection to our citizens that this war was commenced, and he trusted it would be prosecuted till that object was secured. He would sooner see the Government at an end than give up any positive and established right. We might tamely submit to encroachment from day to day till every right was frittered away.

Mr. TALLMADGE, of Connecticut, concluded the debate. He protested against the position of Mr. Fisk, that rather than give up any right, he would give up all rights. That doctrine, he thought, went quite beyond the mark. He took occasion to advert to Mr. Fisk’s allusion to the vote on the bill appropriating for fortifications, and quoted a document on his table to show an instance in

which, in one year (probably the last) the enormous sum of \$800,000 had been transferred from the appropriation for fortifications to the subsistence of the Army. When specific appropriations were so disposed of under the color of law, it could surely be of little use to make them. He opposed the amendment on the ground of an unnecessary increase of the military expenditure of Government, already so great.

The question was then decided affirmatively on concurrence with the Senate—yeas 81, nays 67, as follows:

YEAS—Messrs. Alexander, Anderson, Archer, Avery, Bard, Barnett, Beall, Bowen, Brown, Butler, Caldwell, Calhoun, Chappell, Clark, Clopton, Comstock, Condict, Conard, Crawford, Creighton, Crouch, Cuthbert, Davis of Pennsylvania, Denoyelles, Desha, Earle, Eppes, Farrow, Findley, Fisk of Vermont, Forney, Forsyth, Franklin, Gholson, Goldsborough, Grundy, Harris, Hasbrouck, Hubbard, Humphreys, Ingham, Irving, Jackson of Virginia, Johnson of Virginia, Kennedy, Kerr, Kershaw, King of North Carolina, Leferts, Lowndes, Lyle, McCoy, McKim, Montgomery, Murfree, Nelson, Newton, Ormsby, Parker, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Roane, Roberts, Robertson, Sage, Sevier, Seybert, Skinner, Smith of Pennsylvania, Tannehill, Telfair, Troup, Udree, Ward of New Jersey, Williams, and Wilson of Pennsylvania.

NAYS—Messrs. Baylies of Mass., Bayly of Virginia, Bigelow, Boyd, Bradbury, Breckenridge, Brigham, Caperton, Champion, Cilley, Cooper, Cox, Culpeper, Davenport, Davis of Mass., Dewey, Ely, Geddes, Goodwyn, Gourdin, Grosvenor, Hale, Hawes, Hopkins of New York, Howell, Hungerford, Kent of New York, King of Massachusetts, Law, Lewis, Lovett, Macon, Markell, McLean, Moffit, Moseley, Oakley, Pearson, Pickering, Pitkin, Post, Potter, John Reed, William Reed, Ridgely, Ruggles, Schureman, Sherwood, Shipherd, Smith of New York, Smith of Virginia, Stanford, Stockton, Stuart, Sturges, Taggart, Tallmadge, Thompson, Vose, Ward of Massachusetts, Webster, Wheaton, White, Wilcox, Wilson of Massachusetts, Winter, Wood, and Yancey.

On motion of Mr. MACON, of North Carolina, The House proceeded to consider the resolution submitted by him the other day, for adjourning Congress on the 7th March next.

Mr. MACON varied the motion to the 21st day of March, as he perceived the 7th would be perhaps too early a day.

Mr. GRUNDY then observed, that as varying the day entirely varied the motion, some reflection would be necessary before decision; and the usual hour of adjournment having arrived, on his motion, the House adjourned.

WEDNESDAY, February 9.

Mr. GRUNDY presented a resolution of the Legislature of the State of Tennessee, requesting their representation to use their best endeavors to prevail upon Congress to propose to the several States, for their adoption, an amendment to the Constitution of the United States, so as to reduce the term of service of Senators in Congress from six to four years.—Committed to a

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Paul Cuffee—Modification of the Embargo.

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Committee of the Whole on the state of the Union.

Mr. EPPES reported a bill for the relief of the owners of the cargo of the brig *Patriota*; which was read twice, and committed to a Committee of the Whole on Friday next.

PAUL CUFFEE.

Mr. NEWTON, from the Committee of Commerce and Manufactures, made a report on the bill from the Senate "to authorize the President of the United States to permit the departure of Paul Cuffee from the United States, with a vessel and cargo, for Sierra Leone, in Africa, and to return with a cargo;" which was read: When, a motion was made by Mr. GOLDSBOROUGH that the report and bill be committed to a Committee of the Whole, and that the report be printed.

A division of the question on the said motion was called for, and, being taken on the commitment, it passed in the affirmative.

A motion was then made by Mr. POST to add to the motion to print the report, the words, "and that the memorial of Paul Cuffee be also printed." And the question thereon being taken, it was determined in the negative. The report was then ordered to be printed, and is as follows:

"That, in the opinion of the Committee, it would be impolitic, at a time when the Government of the United States has been compelled, from imperious necessity, to prohibit the coasting trade, to prevent the enemy from obtaining supplies of provisions, and thereby from keeping a considerable naval force on the coast of the United States, to relax the prohibitions of the embargo law, on the application of an individual, for a purpose which, how benevolently soever conceived, cannot be considered in any other light than as speculative—the efforts heretofore made and directed by the zeal and intelligence of the Sierra Leone Company having failed to accomplish the object designed by its institution. When exemptions from the operation of a law are made, the justice of which is not seen by every citizen, the wisdom of which is questionable, and the necessity of which is not palpably evident, discontent, if it did not exist, would be produced; and if it did exist, it would, by such policy, acquire expansion and vigor.

"In what manner soever the act from the Senate be contemplated, the committee see difficulties which cannot be overcome by any suggestions of their ingenuity. They, therefore, from this view of the subject, feel themselves constrained to recommend the rejection of the act to authorize the President of the United States to permit the departure of Paul Cuffee from the United States, with a vessel and cargo, for Sierra Leone, in Africa, and to return with a cargo."

MODIFICATION OF THE EMBARGO.

An engrossed bill authorizing the President to permit vessels to return to the ports where their owners reside, was read the third time.

Mr. POST said he was opposed to the restrictive system in every part, but, as a majority had determined on the embargo, he was against any partial repeal of it. He wished the efficacy of the measure might be tried without relaxation. Every motion to relax the system, was a strong evidence that the embargo law was wrong, but

he wished a fair experiment might be made of it; being convinced that the result would prove its injurious effects. He should, therefore, vote against the passage of the bill.

Mr. SHIPHERD said, much as he desired to see his fellow-citizens emancipated from the severe restrictions with which they were now, in many parts of the Union embarrassed; yet, for certain reasons, he should feel himself constrained to vote against the passage of the bill before the House.

In my opinion, said Mr. S., the voting for that bill, will be an implied recognition of the constitutionality of the embargo law, which has been passed this session—an admission which he could never make; and, although he approved of the reasoning of his honorable colleague, (Mr. POST,) yet, this stronger reason operated upon his mind, and which would induce him to vote against this bill.

Is the embargo law Constitutional? said Mr. S.; a law which locks up your harbors and interdicts all intercourse, by water, from port to port, from dock to dock, although in the same State? If it is, Congress have the Constitutional right not only to confine our citizens to the land, but to any spot thereof, which they may choose. They may confine every man to his farm, his yard, or wherever they please. Every ferry may be embargoed, every boat and canoe may be chained to the shore.

Sir, said Mr. S., I deny that we have any such right; and I venture to pronounce, that we broke over the Constitutional provisions, when you passed the embargo laws. We created an engine of tyranny, an engine of oppression. We exercised powers which were never intended to be vested in us. Look at your Constitution, and show me in what part of that instrument you find any provision—a line, a word, that authorizes Congress to prohibit the coasting from one port in a State to another in the same State. You may look, sir, but you look in vain; you search, but you find no such clause.

Will gentlemen pretend, that without Constitutional powers, they have a right to legislate? I trust not.

Omission, Mr. Speaker, in our Constitution is prohibition. Any law enacted by Congress, which cannot be comprehended within some special or general provision of the Constitution, is a void law.

Sir, said Mr. S., I do not mean here to express any opinion, whether an embargo law, prohibiting the coasting from one State to another within the United States, or the prohibition of vessels to depart from ports in the United States, to foreign ports, is Constitutional. It is enough for my present purpose, that we have not the right to interdict the passage from port to port in the same State.

Bring in a bill to repeal this part of your law, and I will vote for it; but the present recognises, impliedly at least, a power to enact such a law—a power I deny—a power I never wish to see exist in my country—a power which is wholly incompatible with liberty.

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Again, said Mr. S., I object to the bill on our table. It is in form and title intended to grant relief to the citizens on the seaboard; but it fails in substance—it grants nothing of importance—it is an insult and mockery to the feelings of those who have been pinched and ground by the odious restrictions upon the navigation of the United States. It is but saying you may choose your place to die—for die you must—die you shall.

Miserable privilege, which is granted by the bill! You may remove your empty vessel from port to port—but, although you starve, you are not to carry provisions; you are not to take passengers, although they may be obliged to travel hundreds of miles on foot. The bill, therefore, will not essentially meliorate the wretched condition of your citizens; it will not alleviate the sufferings of your citizens. Are they hungry, it will not feed them; have they a vast distance to travel, your bill will not transport them. For these reasons, also, I am opposed to the bill.

Again, sir, said Mr. S., the bill gives to your collectors too much power; it allows them to grant favors at discretion; to dispense and dispose of Executive favors at pleasure; to exercise discretion as to the proper objects to be favored under the law. Now, sir, I am opposed to any such discretionary powers to be invested in these men. It is too well known, that many of them are none of the best; and, at a time, when partiality is exercised; indeed, when it is almost the governing principle of men in power in the Executive Department, I wish to define the powers of such officers. Allow them to execute, but I beseech you to stop there; do not allow them to judge; give them not these high prerogatives—this improper patronage, which will give them the opportunity to favor one and depress another.

Sir, said Mr. S., I have another objection to the bill. It gives no rights that do not now exist; rights guaranteed to the good people of this country by a paramount law, the Constitution of our country; a nice little instrument, which yet guards our liberty. That instrument, Mr. Speaker, gives your citizens the privileges, and all of them, which the bill before us purports to grant; and not only those, but it goes vastly farther. In that, sir, I trust my suffering fellow-citizens will find a sanctuary for their rights; with this instrument in their hands, they need not ask the Government to permit them to coast along their shores; but they may, and will be justified, in overthrowing by force, the collector who shall have the foolish temerity to attempt a prevention of the exercise of this right.

Mr. FARROW spoke against the bill.

Mr. WARD, of Massachusetts, observed that no man in or out of the House detested the embargo more than he did; and he coincided in opinion with gentlemen, that the part restricting the coasting trade, so as to prevent the sailing of vessels from one port in a State to another port in the same State, was unconstitutional. He, however, differed with his friends, who thought that the passage of the bill under consideration would sanction the idea, that Congress had the power

to pass the embargo law. If he could suppose it would amount to a recognition of the right of Congress to pass the embargo law, he would vote against the bill under consideration; but he could see no reason for such an inference. As well might it be said, that gentlemen ought not to vote for repealing the law, because the law itself was unconstitutional, and therefore of no effect. Believing that the bill could do no possible injury, and that it might possibly do some good, he should vote for it.

Mr. HUMPHREYS spoke in favor of the bill.

Mr. HANSON said, he did not rise with a view to induce a protracted discussion of the bill. From the disposition shown by the House, it was apparent the majority would not participate in the debate. Indeed, when a distinct point had been raised, to lead to an examination of the constitutionality of some of the provisions of the embargo law, the sub-chairman of the Committee of Foreign Relations, in his usual spirit of procrastination, declined meeting the question of constitutionality. Mr. H. said, he was happy to perceive the evidence given of a concurrence of sentiment among the honorable gentlemen with whom he was accustomed to act. When the bill was in committee, he had voted against every proposition to amend it. His vote seemed to require some explanation. To be brief and explicit, he would say that he was immovably opposed to any motion partially relaxing the vigor of the embargo act. He was unalterably averse to these idle attempts to mend what from its nature was not amendable. This little tinkering plan was worse than fruitless. For himself, Mr. H. had no hesitation in saying, he would not impliedly sanction, by a vote to amend, an act which, after mature reflection, and bestowing upon the subject all the thought from its important character it was entitled to, he was prepared to pronounce unconstitutional. As such, it was not binding upon the people—it was an act of usurpation. Mr. H. would not consent to compromise with usurpation in any shape. He could not bring himself to vote affirmatively on any proposition which did not eradicate the evil—which did not include an absolute repeal of the obnoxious act. He was free to repeat, that that act had no binding force, and it was left to the people to say, under all circumstances, whether it ought to be obeyed and submitted to. Gentlemen need not be startled by this declaration. They should recollect, that the principle of resistance was inherent in all free Governments. It belonged to the very nature of all social compacts, was immutable, fundamental, and permanent. He trusted nothing he had uttered would be construed into an intention to inflame the passions of the people in the section of country which particularly felt the pressure of this unconstitutional act of the Government. The Union he should ever cherish; he valued it as he did the apple of his eye. But it should be always borne in mind, that there was a point beyond which oppression could not go; when submission would cease to be a virtue, much less a duty. There was a point beyond

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which the most generous and confiding people could not be carried, or expected to advance. But, when the same submission should cease, and resistance commence, would always be decided after much calm deliberation and manly consultation. That it was a question which there was wisdom and virtuous firmness in the freemen of this Republic to decide, seasonably and judiciously.

Mr. PICKERING said, that several amendments had been offered to the bill which he considered correct, but which had been rejected. As the bill now stood, he saw little, if any, advantage that could be derived by any individual. The great object of the bill was to allow a facility to the Government to transport military stores to carry on the war. As he was confident of the inexpediency and injustice of the war, he could vote for no bill which in any manner aided it.

The question was taken, and the bill passed—yeas 100, nays 40, as follows:

YEAS—Messrs. Alexander, Alston, Anderson, Archer, Bard, Barnett, Baylies of Massachusetts, Bayly of Virginia, Beall, Bowen, Bradbury, Breckenridge, Brigham, Brown, Butler, Caperton, Caldwell, Champion, Chappell, Clopton, Comstock, Conard, Crawford, Crouch, Cuthbert, Eppes, Evans, Findley, Forney, Forsyth, Franklin, Gholson, Goldsborough, Goodwyn, Gourdin, Grundy, Hale, Hall, Harris, Hasbrouck, Hopkins of New York, Hubbard, Humphreys, Hungerford, Ingersoll, Ingham, Irving, Irwin, Jackson of Rhode Island, Jackson of Virginia, Johnson of Virginia, Kennedy, Kent of New York, Kerr, Kershaw, King of Massachusetts, Lefferts, Macon, McCoy, McKim, Montgomery, Murfree, Newton, Ormsby, Parker, Pickens, Piper, Pleasants, John Reed, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ridgely, Roane, Roberts, Ruggles, Sage, Sevier, Sheffield, Sherwood, Skinner, Smith of Pennsylvania, Smith of Virginia, Stanford, Strong, Sturges, Tannehill, Taylor, Thompson, Troup, Udree, Vose, Ward of Massachusetts, Ward of New Jersey, White, Whitehill, Wilson of Massachusetts, Wilson of Pennsylvania, Wood, and Yancey—100.

NAYS—Messrs. Avery, Bigelow, Boyd, Bradley, Cilley, Culpeper, Davenport, Davis of Massachusetts, Davis of Pennsylvania, Denoyelles, Dewey, Farrow, Fisk of New York, Geddes, Grosvenor, Hanson, Hawes, Howell, Lewis, Lovett, Lyle, Markell, McKee, Moffit, Moseley, Pearson, Pickering, Post, Potter, Schureman, Shipherd, Smith of New York, Stockton, Stuart, Taggart, Tallmadge, Wheaton, Wilcox, Williams, and Winter—40.

THE LOAN FOR 1814.

On motion of Mr. EPPES, of Virginia, the House resolved itself into a Committee of the Whole, on a bill to authorize a loan of — dollars. The bill having been read through—

Mr. E. rose to move to fill the blank in the bill, and to state the reasons for its amount, and why the loan bill had been introduced at this stage of the session, before the appropriation bills were reported, and of course before it could be precisely ascertained what the amount of those appropriations would be. He then made the following statement of—

Estimated receipts and expenditures for the first quarter of the year 1814.

| | |
|-----------------------------------------------------------------------------------------------------|------------------|
| Cash in the Treasury 1st January, 1814, including the sum subject to previous appropriations, about | \$4,700,000 |
| From customs and public lands | \$1,800,000 |
| Internal revenue | 700,000 |
| Direct tax, amount payable by the States which have assumed, about | 1,159,000 |
| Loan of seven and a half millions | 3,650,000 |
| Treasury notes | 1,070,000 |
| | <u>8,379,000</u> |
| | \$13,079,000 |

Estimated Expenditures.

| | |
|----------------------------------------------------------------------------------------------------------------|-------------------|
| Civil, diplomatic, and miscellaneous | \$450,000 |
| Military expenses | 6,000,000 |
| Naval expenses | 1,800,000 |
| Public debt: | |
| Treasury notes | 1,014,000 |
| Dividend payable on the 1st of April, on the funded debt, in addition to moneys of sinking fund in hand, about | 1,000,000 |
| | <u>10,264,000</u> |
| Would leave on the first of April | \$2,815,000 |

From this statement of the receipts and expenditures of the first quarter of the year, it appears important that the loan should be put in operation, so as to insure, from that source, a sufficient sum in aid of the revenue, to meet the expenses of the next quarter.

The expenditures of the year 1814, are estimated as follows:

| | |
|-----------------------------------------------------------------------------|---------------------|
| For the civil list, including the principal and interest of the public debt | \$13,900,000 |
| For the Military Establishment | 24,550,000 |
| For the Naval Establishment | 6,900,000 |
| Amounting, altogether, to | <u>\$45,350,000</u> |

The funds to meet this expenditure, are estimated as follows:

| | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| Revenue derived from customs and the sales of public lands | \$6,600,000 |
| Internal revenue and direct taxes | 3,500,000 |
| Balance of the loan of seven millions of dollars | 3,650,000 |
| Balance of Treasury notes | 1,070,000 |
| Cash in the Treasury on the 31st day of December, after deducting three millions five hundred thousand dollars, estimated as sufficient to satisfy appropriations made prior to that day, and leaving, applicable to the service of the year 1814 | 1,180,000 |
| | <u>16,000,000</u> |

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| | |
|----------------------------------------------------------------------------|--------------|
| So that there remains to be provided for, by loans - - - - - | \$29,350,000 |
| To meet this deficiency, it is proposed to authorize a loan for - - - - | \$25,000,000 |
| Treasury notes for - - - - - | 5,000,000 |
| Making, together, the sum of - | \$30,000,000 |

The estimate for the Military department being made on the full complement of 63,422 officers and men for the year, and one month having already expired, it is presumed that a deduction from the expenses of the Military department may be made, sufficient to cover the additional bounty recently authorized, and that six hundred and fifty thousand dollars will be sufficient to meet any other expense which may be authorized during the present session of Congress. The sum to be borrowed is much larger than any loan heretofore authorized in this country; it is fully equal to two years revenue in the most flourishing period of our commerce. Our experience, however, has shown that a faithful application of the funds of the nation in times of peace, will enable us to pay off, within a reasonable period, any debt which may be contracted during war. In eleven years, during the present and former Administrations, forty-six millions of dollars of the principal of the public debt were paid off. Without taking into view, therefore, the progress of population and wealth, we are authorized to say, that the resources of the nation, without any system of internal taxes, are sufficient, in times of peace, to discharge, in twenty-two years, a debt of ninety-two millions of dollars principal. During the five years of the present Administration, the preparation for war, and the war, have caused an increase of the debt; that increase, however, is greatly below what the enemies of the Administration have endeavored to make it.

The increase of debt in every country, where the interest is regularly paid, (and in this it always has been,) will be the difference between the principal borrowed and the principal paid. A statement, therefore, of the principal paid and the principal borrowed, during the five years of Mr. Madison's Administration, will show the actual increase of the debt:

| <i>Principal paid.</i> | |
|------------------------|----------------|
| 1809 - - - - - | \$3,586,479 26 |
| 1810 - - - - - | 5,163,476 93 |
| 1811 - - - - - | 5,543,470 89 |
| 1812 - - - - - | 5,235,668 00 |
| 1813 - - - - - | 4,022,700 00 |

Principal paid - - - - - \$23,551,795 08

Principal received from loans during the same period.

| | |
|--------------------------------------------------------------|----------------|
| 1809 - - - - - | \$0,000,000 00 |
| 1810 - - - - - | 2,750,000 00 |
| 1811 - - - - - | 0,000,000 00 |
| 1812, eleven millions loan - | 10,184,700 00 |
| 1813, sixteen millions loan, annuities included - - - - - | 18,109,377 00 |

| | |
|-------------------------------------------------------------------------------------------|-----------------|
| 1813, seven and a half millions loan, (\$3,850,000,) annuities inclu- ded - - - - - | \$4,362,600 00 |
| Treasury note, 1812 - - - - | 5,000,000 00 |
| Treasury note, 1813 - - - - | 3,930,000 00 |
| The principal borrowed - - - | \$44,336,677 51 |
| The principal paid - - - - - | 23,551,795 08 |
| Leaves - - - - - | \$20,784,881 43 |

The above amount is the actual increase of the debt from the commencement of Mr. Madison's Administration to the end of the year. This estimate includes the premium paid by way of annuity or discount, and the addition which has been stated, is of a debt bearing six per cent. interest.

It may, perhaps, on the present occasion, be expected that something should be said as to the prospect of obtaining a loan. In proportion as you increase the sum to be borrowed, you will always increase the difficulty of obtaining money. The quantum in market, whether specie or stock, will always have an important bearing on the value of the article. The ability of a community to lend, must depend on its income or on the value of its productive industry and its circulating medium. What is that amount in the United States? It is with some degree of diffidence I attempt such an estimate. If, however, in making this attempt, I shall succeed in calling to this subject the attention of others better qualified to develop the resources of the nation, I shall rest satisfied.

The improved land on which the direct tax, under the act of 1798 was collected, was 163,476,686 acres, and valued, at that time, at \$479,293,253, rather more than three dollars per acre. It is presumed the same land may now be averaged at six dollars per acre, which will give—

| | |
|---------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| For the valuation of improved land - | \$982,480,000 |
| The dwelling-houses under the same act, were valued at \$140,683,984. | |
| They may now, with safety, be estimated at double that sum - - | 280,000,000 |
| The unimproved lands, after deducting all the claims on them, amount to four hundred millions of acres, at two dollars per acre - - - | 800,000,000 |
| The other personal property, including slaves, is estimated at - - - | 300,000,000 |
| The capital embarked in commerce previous to the war, allowing for exports and imports - - - | 100,000,000 |
| The bank capital, at present, amounts to - - - - - | 75,000,000 |
| Turnpike, canal, toll-bridge, insurance stock, &c. - - - - - | 30,000,000 |
| Total - - - - - | \$2,567,480,000 |

The income arising on this capital may be estimated as follows:

| | |
|-------------------------------------------------------------------|--------------|
| Profit on improved land, two per cent. on \$982,480,000 - - - - - | \$19,649,600 |
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| On personal property, including dwelling-houses, \$580,000,000, at four per cent. - - - | \$23,200,000 |
| Fifteen per cent. on the capital employed in commerce - - - | 15,000,000 |
| Eight per cent. on \$75,000,000, the amount of bank capital - - - | 6,000,000 |
| Turnpike, canal, insurance, and other stock, six per cent. on thirty millions of dollars - - - | 1,800,000 |
| Product of all other occupations, including manufactures, as stated in the last census - - - | 172,000,000 |
| Total - - - | \$237,649,600 |

In the year 1797, the whole value of the annual produce of the industry of the United States was estimated, by an able and intelligent writer, on a population of four millions and a half, at thirty-seven millions and a half, or \$168,000,000; *vide* Cooper's Political Arithmetic, page 47. According to the same estimate, for our present population, it would be three hundred millions. This estimate would be 62,000,000 above what I have rated it at, and induces me to repose some confidence in the estimate I have made.

The writers on political economy differ as to the proportion between the amount of the circulating medium and the productive industry. Their calculations vary from one-fifth to one-thirtieth—one-thirtieth, the minimum of Smith, on two hundred and thirty-seven million eight hundred and forty-five thousand six hundred, would give something more than \$7,000,000 for the necessary circulation of the United States. His maximum, one-fifth, would give something more than \$47,000,000. If then \$47,569,120 is sufficient for the actual circulation, the whole of the circulating medium above that sum might be locked up or drawn from circulation without producing inconvenience or pressure. But money borrowed by the Government is not drawn from circulation, but is instantly thrown back on the community, and becomes a part of the general circulation.

The question then is, what is the amount of circulating medium? The Bank capital has been stated at \$75,000,000; on this capital we may calculate with safety on a circulation in notes and discount of \$100,000,000. From this sum deduct \$47,569,120, the maximum of what is deemed necessary for circulation, and the sum remaining, viz: \$52,430,880, constitutes the ability of the moneyed capitalists to loan—of this sum we propose to borrow \$30,000,000. Having shown the ability to lend, the only question remaining is, will it be the interest of those who hold the moneyed capital to advance it to the Government? A moneyed capitalist will always pursue his interest. In deciding this question, the calculation will be made on peace or war. No prudent man will loan his money without taking into view both these events. In the event of peace, an immediate rise in the price of stock affords a certain prospect of profit. As an

investiture of money it is more safe than in the banks, inasmuch as individuals may fail and the nation cannot. For a merchant whose capital, in consequence of the present situation of the country, is withdrawn from commerce, it is a better investiture than in manufactures. The money invested in manufactures cannot be withdrawn without loss, in the sale of the buildings and machinery necessary for carrying them on. The stock, however, of the United States could at once be converted into money at considerable profit, and his capital again restored to its former channel. If, therefore, peace shall take place, to which, I confess, I look forward with some degree of confidence, the present loan combines all the advantages of "safety," "profit," and a command at will of the capital invested. If, on the contrary, these expectations shall be disappointed and the war continue, our limited commerce must leave unemployed a large surplus capital. It is true that the increasing demand for our own manufactures may afford employment for a part of this capital. To those, however, who have formed commercial habits, and look forward to resuming their accustomed occupations, such an employment of capital cannot be desirable. The stability of our credit, founded on a punctual compliance with our engagements, must be gratifying to every American. During twenty-seven years the faith of the nation has never been questioned—our credit has grown with our strength. Our resources are ample—to bring them into action requires nothing but union and energy.

Mr. BIGELOW.—Mr. Chairman. I shall vote against filling the blank in this bill with twenty-five millions, or with any other sum. I shall not do it, because I believe that it will not require so large a loan to defray the expenses which the measures of the present session will create, or because I do not believe that the income of the land and other property in the United States would amount to that sum.

I shall vote against it, on the principle that it is to obtain money to prosecute a war of invasion and conquest—a war which has been as unwisely managed, as it was improvidently declared. I shall vote against it, on the principle that the measures which preceded and produced it were radically wrong.

To explain to the Committee my ideas on this subject, it will be necessary to glance at events in Europe for some years past; events, the magnitude and variety of which have been of a nature not to afford the mind time to examine and contemplate the causes and effects of one, before it has been astonished with another. An attempt to look back, and trace the various effects of each in producing the measures pursued by the Administration of this country, as it respects the two great belligerents, would be a task to which I certainly have not the vanity to aspire. But, as such a course is highly necessary to enable us to form a correct opinion of the policy pursued by the Administration, and the propriety of continuing that policy, I will state some of the most prominent events in Europe, and attempt to show

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that the measures caused by the operation of that influence have been erroneous, and the sooner the error is acknowledged, and the procedure corrected, the better. I cannot expect, sir, with my feeble powers, to produce conviction, but I do hope to be able to provoke inquiry and investigation.

The first great error (I speak of errors in regard to our foreign relations) which I shall notice, was the refusal of the late President to lay before the Senate the treaty of Messrs. Monroe and Pinkney, concluded with Great Britain in December, 1806, and received by him in March, 1807, before the adjournment of that body. Sir, that he might have wished a better treaty, I have no doubt; and I have as little doubt, had the state of Europe been different, it would have been laid before that body, and been ratified.

Upon this subject, I wish gentlemen to pay particular attention to dates.

On the 21st November, 1806, the French Emperor, then at his imperial camp at Berlin, the capital of Prussia, which he had victoriously entered, after the battle of Jena, issued his famous Berlin decree. This decree declared the British islands in a state of blockade, prohibited all commerce and correspondence with them, declared all merchandise belonging to England, or coming from its manufactories and colonies, lawful prize, &c. It was at this time Napoleon attempted to put in execution the gigantic project of blockading the islands of Great Britain, not by a naval force, but by compelling or flattering all other nations to unite with France in the total prohibition of all intercourse with Great Britain. This decree, and this intention of the French Emperor, were known to the President before the treaty of Monroe and Pinkney arrived. To have ratified that treaty, would have permitted commercial intercourse between us and Great Britain, been in direct violation of the Berlin decree, and have counteracted the designs of the French Emperor, thus explicitly expressed. Add to this, that Great Britain was then expected to be crushed, by the pressure of the war and taxes upon her subjects, aided by the mighty genius and power of Bonaparte, and little doubt can remain of the real cause of the refusal of Mr. Jefferson to lay the treaty before the Senate.

Mr. Chairman, the minority have been repeatedly charged with defeating, by their opposition, the beneficial and happy results which would have otherwise been produced by the measures of the Administration.

Did the minority oppose the treaty of Monroe and Pinkney? Did they influence the President to refuse to lay it before the Senate? No sir, the act was his own, and that of his Cabinet, of which the present President was one; and what share he had in the transaction, I leave for him and the present Secretary of State to adjust and settle, if it has not already been done. But, had this treaty been adopted, and a prudent course of measures pursued, it would, in all human probability, have saved the country from the whole group of embargoes, non-intercourses, and non-importations;

and also from the present disastrous war, with all its concomitant evils, loans, taxes, distresses, privations, and blood.

True it is, Mr. Chairman, the minority did oppose the embargo of 1807. They opposed it, sir, because they saw in it a manifestation of the same policy which caused the refusal to lay before the Senate the treaty of 1806. They saw in it a co-operation in the continental system of Napoleon.

Let us, now, Mr. Chairman, look at the state of Europe when Mr. Jefferson recommended the embargo, on account of the increasing danger with which our vessels, our seamen, and merchandise were threatened on the high seas, &c.

On the 14th June, 1807, was fought the famous battle of Friedland, in which the French were victorious over the Russians. In consequence of this battle, on the 14th July following was concluded the treaty of Tilsit, between France and Russia, by which the latter engaged to prohibit all commercial intercourse with Great Britain, &c. Austria was still bound to France by the humiliating treaty of Presburg. Prussia, by proclamation, had prohibited all intercourse with Great Britain. Portugal, in August, 1807, soon after the Treaty of Tilsit, was threatened by France with invasion, if she did not in three weeks prohibit all commercial intercourse with Great Britain, prevent the departure of Englishmen from the kingdom, and confiscate all British property therein.

True, we have no official document to prove that France, at this time, made a similar demand upon the Government of the United States. But, when we look at the conduct of France towards other nations, that she compelled them, by force of arms, or by intrigues, to submit, have we any reason to doubt on this subject?

Such was the state of Europe at the meeting of Congress, in December, 1807. On the 18th of that month, Mr. Jefferson recommended a general embargo; a bill was hurried through both branches, and, on the 22d of the same month, the act was passed, unlimited as to duration. This law, if not in compliance of a demand, was in conformity to the views and wishes of Napoleon.

But it may be said, it was a measure of an impartial character, as it respected the two belligerents. In theory it might be, but not in its practical operation. The object of France was the destruction of Great Britain, by a total interdiction of her commerce with all other nations. The United States, by the embargo, joined with France to facilitate the accomplishment of this object. The embargo, in theory, might be called a municipal regulation, but, practically, it was an act of hostility against Great Britain.

Does the measure, then, deserve the character of impartiality? Great Britain, at that time struggling for existence against France, Russia, Austria, Prussia, and Denmark, felt no disposition to engage in a war with the United States. She, therefore, chose not to consider the embargo an act of hostility. France, viewing it as an act of co-operation in her continental system, highly applauded the measure.

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The French Minister for Foreign Affairs, (Talleyrand,) in a report to his Imperial Majesty, Napoleon, of September 8, 1808, thus speaks of the embargo:

"The Americans, a people who involve their fortune; their prosperity, and almost their existence, in commerce, have given the example of a great and courageous sacrifice. They have prohibited, by a general embargo, all commerce and navigation, rather than shamefully submit to that tribute which the English impose on all nations."

The French Emperor, himself, in an address to the Legislative body of France, October 26, 1808, is very explicit on the subject:

"The peace of Presburg, that of Tilsit, the assault of Copenhagen, the plans of England against all nations on the ocean, the revolution of Constantinople, the affairs of Spain and Portugal, have in various ways had an influence on the affairs of the world.

"Russia and Denmark have united with me against England.

"The United States of America have rather chosen to abandon commerce and the sea, than to acknowledge their slavery."

On another ground, the minority were justified in their opposition to the embargo. They foresaw the stagnation of business, the destruction of millions of property, the ruin of thousands, the introduction of fraud and corruption into our commercial system, and that the injury it would inflict on Great Britain would bear no comparison to that which we ourselves should suffer.

On another ground, the minority were justified in their opposition to its continuance.

The people of Spain, with a gallantry and patriotism not less honorable to them than that of our noble fathers, who in 1775 resisted the oppression of Great Britain, had boldly dared to resist the outrageous usurpation of Napoleon. To this country, when not under the control of Bonaparte, Spain had been a friend. She assisted us in our struggle for independence. The generous patriots of that country looked, they had a right to look, to us at least for our friendship. But, like the ungrateful man who remembers not his friend when in distress, we turned coldly from them, even reproached them as insurgents, denied them bread, for which they were willing generously to pay us, and, to add injury to insult, seized upon this as the favorite moment to wrest from them their American possessions.

Mr. Chairman, is it for opposition to measures of this character that the minority are to be denominated a faction? Is the opposition to such measures to be laid to their charge as a crime? For myself, sir, I sincerely thank my God that I have never been left to advocate, support, or in any way countenance measures of such a character.

I know, sir, it may be said the embargo was really to save our seamen, our vessels, and merchandise from the increasing perils of the seas. We can hardly be persuaded to believe that this could have been the real cause, when we recollect the fact, a fact which has been often stated, and which an official document of this House will prove, that five hundred and ninety-four ves-

sels were permitted, during the embargo, by the President himself, to sail for foreign ports, nearly all of which returned in safety with cargoes. We can hardly be persuaded to believe that this was the real cause, when we recollect the fact, that it was made an embargo as well by land as by water.

But we may be told that it was to increase the growth of domestic manufactures. This has been since, indeed, assumed as a reason. But it will be equally difficult to persuade us that this was the real cause, when we recollect that the same statesman who recommended the embargo, in his celebrated Notes on Virginia, written before his mind became influenced by the party hostilities of the day, informs us that, for centuries to come, our work-shops ought to be in Europe; and when we recollect, too, that in his Message to Congress, in December, 1801, he wisely observes, that "Agriculture, manufactures, navigation, and commerce, the four pillars of our national prosperity, are then most flourishing when left most free to individual enterprise."

Having thus virtually engaged on the side of France, not by a declaration of war, but by the exercise of our restrictive energies, it was difficult to recede. The embargo, however, had become extremely unpopular, and on the 1st of March, 1809, it was repealed, and the non-intercourse substituted in its place. This repeal of the embargo was also charged to the minority. Yes, sir, and happy, happy, indeed, would it have been for the country, if the minority had been more successful in their opposition, and, with the death of the embargo, prevented the birth, if the term is applicable, of the non-intercourse.

The non-intercourse, however, had one feature of impartiality. It prohibited, as well French as British armed ships, from entering the ports and harbors of the United States after the 20th May then next.

This feature of impartiality was embraced by Erskine, the British Minister, to tender satisfaction for the injury done by the attack on the Chesapeake, and to propose an arrangement for the repeal of the Orders in Council. But the President, as if fearful the arrangement would be ratified by the British Government, takes particular care to accept the offers in a manner calculated to insure their rejection. Mr. Smith, Secretary of State, is instructed to say, that "the President owes it to himself, and the occasion, to let it be understood, that this equality was the result of a state of things growing out of distinct considerations." And Mr. Smith, in the same letter, adds:

"I have it in express charge from the President to state that, while he forbears to insist on a further punishment of the offending officer, he is not the less sensible of the justice and utility of such an example, nor the less persuaded that it would best comport with what is due from His Britannic Majesty to his own honor."

Let us now, Mr. Chairman, look at the conduct of France in relation to the Non-intercourse act of March 1st, 1809, and of our Government towards France.

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Strange as it may seem, this very act, placing the two belligerents upon the footing of equality, was made the pretext by France for the decree of Rambouillet, of March 23d, 1810. A decree which, for fraud and injustice, has no parallel in the annals of any other civilized nation. This decree, after assigning as the reason for its enactment the Non-intercourse act of March 1st, 1809, declares, that—

“All vessels navigating under the flag of the United States, or possessed in whole or in part by any citizen or subject of that Power, which, counting from the 20th May, 1809, (the time when her armed ships were prohibited entering our waters,) have entered or shall enter into the ports of our Empire, of our colonies, or of the colonies occupied by our arms, shall be seized, and the product of the sales shall be deposited in the surplus fund.”

By virtue of this decree, more than one hundred American vessels were seized in the ports of France, and in those of Holland, Spain, Italy, and Naples, countries under French control.

Let it be recollected, Mr. Chairman, that this decree was promulgated but about four months previous to the pretended repeal of the Berlin and Milan decrees. Let it be recollected, too, that General Armstrong was instructed not to engage that a non-intercourse should be adopted against Great Britain, upon the repeal of the Berlin and Milan decrees, unless a satisfactory provision was made for restoring the property seized under the Rambouillet decree. This I assert on the authority of the letter of Mr. Smith, to General Armstrong, of the 5th of July, 1810. In this letter, he says:

“As has been heretofore stated to you, a satisfactory provision for restoring the property, lately surprised and seized by the order, or at the instance, of the French Government, must be combined with the French edicts, with a view to a non-intercourse with Great Britain—such a provision being an indispensable evidence of the just purpose of France towards the United States. And you will, moreover, be careful, in arranging such a provision for that particular case of spoiliations, not to weaken the ground on which a redress of others may be justly pursued.”

This provision, however, was not made; it has not yet been, and probably never will be made. And how, sir, let me ask, did the President justify his proclamation, declaring the Berlin and Milan decrees repealed on the 2d November, 1810, and thereby causing a non-intercourse with Great Britain, without this provision, which he had declared to be indispensable?

That such a provision was not, and has not yet been made, we have the best evidence—that of the President himself. In his Message of December 5th, 1810, a month after he had declared those decrees revoked, he informs us that—

“It would well have comported with the conciliatory views, indicated by this proceeding on the part of France, to have extended them to all the grounds of complaint which now remain unadjusted with the United States. It was particularly anticipated that, as a further evidence of just dispositions towards them, restoration would have been immediately made of the

property of our citizens, seized under a misapplication of the principle of reprisals, combined with a misconstruction of a law of the United States. This expectation has not been fulfilled.”

Still, however, it was urged by a majority of this House that we were pledged to France. Yes, sir, I well recollect that the speeches of honorable gentlemen, then members of this House, urged in the strongest terms the passage of the act of March 2d, 1811, renewing the Non-importation act against Great Britain, on the ground of our plighted faith to France. I well recollect, too, that the minority, who are too often charged with unreasonable opposition, as boldly declared that we were not pledged to France; that the Berlin and Milan decrees were not revoked. And who, sir, were correct, the majority or the minority?

But to return to the subject of the restoration of the property seized under the Rambouillet decree. In the President's Message of November 5th, 1811, we are told that—

“The justice and fairness which have been evinced on the part of the United States, towards France, both before and since the revocation of her decrees, authorized an expectation that her Government would have followed up that measure by all such others as were due to our reasonable claims, as well as dictated by its amicable professions. No proof, however, is yet given of an intention to repair the other wrongs done to the United States.”

Again, in his Message of the 4th November, 1812, he says:

“Our affairs with France retain the posture which they held at the date of my last communication to you. Notwithstanding the authorized expectation of an early as well as favorable issue to the discussions on foot, these have been procrastinated to the latest date. The only intervening occurrence meriting attention, is the promulgation of a French decree, purporting to be a definitive repeal of the Berlin and Milan decrees. This proceeding, although made the ground of the repeal of the British Orders in Council, is rendered, by the time and manner of it, liable to many objections.”

It is not a little remarkable, that, notwithstanding General Armstrong was instructed to have combined with the repeal of the French decrees, provision for a restoration of the millions of property seized by the Rambouillet decree, that in the very letter of the Duke de Cadore to General Armstrong, of August 5th, 1810, the very letter on which the President's proclamation of November 2, 1810, declaring these decrees revoked, was founded, we have, from the language of that letter, reason to believe, that such a restoration was never intended. These are the words:

“The act of March 1, 1809, has raised the embargo, and substituted for it a measure the most injurious to the interests of France. This act, of which the Emperor knew nothing until lately, interdicted to American vessels the commerce of France, at the time it authorized that to Spain, Naples, and Holland, that is to say, to the countries under French influence, and denounced confiscation against all French vessels which should enter the ports of America. Reprisal was a right, and commanded by the dignity of France, a circumstance on which it was impossible to make a compromise.”

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Then follows the pretended revocation. Now, sir, what reason had the President to expect a restoration of this property? Was it because in this letter he was told that—

“His Majesty loves the Americans. Their prosperity and their commerce are within the scope of his policy. The independence of America is one of the principal titles of glory to France. Since that epoch, the Emperor is pleased in aggrandizing the United States; and, under all circumstances, that which can contribute to the independence, to the prosperity and the liberty of the Americans, the Emperor will consider as conformable to the interests of his Empire.”

Other nations, Mr. Chairman, have learnt by fatal experience what he means by his love, and by his efforts to contribute to their independence, to their prosperity, and their liberty. Thanks be to the God of battles, who has put it out of his power ever again to give the United States any further specimens of his love, either for their commerce, their liberties, or their independence!

There is still another important view in which this subject ought to be considered.

A recurrence to facts and to dates will not only prove, that the Berlin and Milan decrees were not revoked on the 5th of August, 1810, but that our Government had no right to consider them as revoked.

On the 14th February, 1810, Champagny, in a note to Armstrong, after, in an insolent manner, telling him that—

“The Americans cannot hesitate as to the part they are to take; they ought either to tear to pieces their act of independence, and to become again, as before the Revolution, the subjects of England, or to take such measures as that their commerce and industry should not be tarified by the English, which renders them more dependent than Jamaica, which at least has its Assembly of Representatives and its privileges.”

After thus severely lashing the Government of the United States he changes his tone, and proceeds:

“If then the Minister of America can enter into an engagement, that the American vessels will not submit to the Orders in Council of England, of November 1807, nor to any decree of blockade, unless the blockade should be real, the undersigned is authorized to conclude every species of convention, tending to renew the Treaty of Commerce with America, and in which all the measures, proper to consolidate the commerce and the prosperity of the Americans, shall be provided for.”

Here is an explicit declaration of the terms on which we were to expect any modification of the Berlin and Milan decrees. The very next specimen of the Emperor's friendship, was the promulgation of the Rambouillet decree, of March 23, 1810, which I have noticed, and by virtue of which, all American vessels, with their cargoes, then in the ports of France, or of the countries under her control, were seized, sold, and the proceeds deposited in the surplus fund. Well, sir, the next thing we hear from France, after this characteristic mark of friendship, the Rambouillet decree, was the pretended revocation on the 5th of August, 1810, of the Berlin and Milan de-

crees. Now, sir, either Armstrong did enter into an engagement, agreeably to the terms prescribed by Champagny, in his letter of February 14, 1810, or the President must have known that the pretended repeal of August 5, 1810, was conditional. How, then, could the President say, as he did, by his proclamation of November 3d, 1810, that those decrees were revoked? That the Emperor of France considered this repeal conditional, we have his own subsequent declarations. On the 31st March, 1811, in an address to the Council of Commerce, in Paris, he thus expresses himself:

“The decrees of Berlin and Milan are the fundamental laws of my Empire. For the neutral navigation, I consider the flag, as an extension of territory. The Power which suffers its flag to be violated cannot be considered as neutral. The fate of the American commerce will soon be decided. I will favor it, if the United States conform themselves to those decrees. In a contrary case, their vessels will be driven from my Empire. The commercial relations with England must cease. I tell it to you very loudly.”

The Emperor then waits, until satisfied by the proceedings of Congress at their session of 1811-12, that the United States would declare war against Great Britain, and then, on the 12th of May, 1812, at the earnest solicitation of Mr. Barlow, publishes the following decree:

PALACE OF ST. CLOUD, April 8, 1811.

Napoleon, Emperor of the French, &c., &c.

On the report of our Minister of Foreign Relations: Seeing by a law passed on the 2d of March, 1811, the Congress of the United States has ordered the execution of the provisions of the act of non-intercourse, which prohibits the vessels and merchandise of Great Britain, her colonies and dependencies, from entering into the ports of the United States:

Considering that the said law is an act of resistance to the arbitrary pretensions consecrated by the British Orders in Council, and a formal refusal to adhere to a system invading the independence of neutral Powers, and of their flag, have, and do decree as follows:

The decrees of Berlin and Milan are definitively, and to date from the first of November last, considered as not having existed (*non avenues*) in regard to American vessels.

By the Emperor: NAPOLEON.

The Minister Secretary of State,

THE COUNT DARU.

Mr. Chairman, upon these facts no comment of mine is necessary. They carry with them intrinsic, irresistible evidence. I might, sir, proceed much further. I might notice the connexion between the famous Turreau letter of the 14th of June 1809, and the dismissal of the British Minister, Jackson, in November of the same year. I might notice the connexion between the declaration of war, by France against Russia, in 1812; and by the United States and Great Britain nearly at the same time. But I will not trespass longer upon the time of the House, which will be more usefully occupied by others, who will, I trust, investigate this subject thoroughly, and who will rend asunder this veil of mystery, which conceals from public view the transactions between the Government of the United States and France.

Until, sir, my mind is better satisfied upon this

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subject, I will vote for no loans, I will vote for no men, or money, to prosecute this war. I will vote for no measures but such as are necessary for the defence and protection of the United States.

Mr. McKIM, of Maryland, recalled the attention of the House from the excursive range taken by Mr. BIGELOW, to the present state of the nation—to things as they actually exist; on a full consideration of which he declared he must vote for the bill, &c.

The Committee then rose, reported progress, and had leave to sit again.

QUESTION OF ADJOURNMENT.

The House resumed the consideration of the unfinished business of yesterday, viz: Mr. MACON's proposition for an adjournment on the 21st March.

Some desultory and uninteresting debate took place on this motion, in which Mr. TAYLOR, of New York, Mr. FISK, of Vermont, and Mr. SHEPHERD of Virginia, were the principal opponents of the motion, and Mr. MACON, of North Carolina, its principal advocate.

Mr. TAYLOR, of New York, moved to postpone the consideration of the subject to the first Monday in March.—Negatived, 73 to 66.

Mr. JACKSON, of Virginia, moved that it lie on the table to give him time to prepare an amendment.—Negatived, ayes 61.

Mr. TAYLOR then moved to postpone the further consideration of the subject to the last Monday of this month.—Lost, 71 to 69.

Mr. JACKSON, of Virginia, then moved to amend the motion, so as to refer the question to a joint committee to inquire what business was necessary to be done before adjournment, and at what time it would be expedient for the two Houses to adjourn. The amendment was agreed to by a large majority.

And thus amended, the motion passed.

DISTRICT OF COLUMBIA.

The following resolution was submitted by Mr. W. REED, for consideration:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to ascertain, and cause to be laid before this House, a statement of the number of Banks incorporated within the District of Columbia, distinguishing the amount of the actual and authorized capital stock, the amount of specie, and bills of notes of other banks, in their vaults, the amount of debts due, and the amount of notes or bills in circulation by each; also, the number of incorporated Insurance Companies in said District, with the amount and investment of the capital stock of each, and how employed.

After some objections by Mr. RHEA, of Tennessee, and Mr. ROBERTS, who questioned the practicability of obtaining the required information—the House adjourned without deciding on the motion.

THURSDAY, February 10.

Mr. EPPES, from the Committee of Ways and Means, reported the bill from the Senate, "for

the relief of William Stothart and Josiah Starkey," without amendment; and the bill was read the third time, and passed.

On motion of Mr. ROBERTS, the committee appointed to inquire whether any amendments are necessary to be made to the standing rules and orders of the House, were discharged from the further consideration of the subject.

On motion of Mr. CLOPPON, of Virginia, the Committee on the Judiciary were instructed to inquire into the expediency of altering the times of holding the district courts of the United States for the Virginia district, with leave to report by bill or otherwise.

A Message was received from the President of the United States, transmitting to the House the following report, in compliance with their resolution of July 30, 1813:

SIR: In conformity with the resolution of the House of Representatives of the 30th of July, 1813, copies have been prepared at the Treasury, of the accounts in detail of the different Ministers Plenipotentiary, Envoys Extraordinary, and Secretaries of Legation, and Consuls appointed under the authority of the United States from the commencement of the present Government; also, accounts of the expenses incurred in the treaty with Algiers, and the payments which have been made under that treaty; and accounts of all other expenditures in relation to the Barbary Powers, including those occasioned by the war with Tripoli, and the making of peace with that Regency.

Which several accounts I have the honor to transmit herewith, for the information of the House of Representatives. I have the honor, &c.

W. JONES,

Acting Secretary of the Treasury.

The President of the United States.

The report and voluminous documents, comprising several large volumes, were ordered to lie on the table.

DISTRICT OF COLUMBIA.

The House resumed the consideration of the unfinished business, viz: the resolution moved by Mr. WILLIAM REED, of Massachusetts, calling on the Secretary of the Treasury for detailed information relative to the number and state of the Banks and Insurance Companies in the District of Columbia.

A motion by Mr. RHEA, of Tennessee, to lay the same on the table was negatived.

After an unsuccessful attempt on the part of Mr. RHEA, of Tennessee, to procure an amendment of the motion, so as to render it less particular—it was passed, by a vote of 68 to 43, in the following form:

Resolved, That the Secretary of the Treasury be and he is hereby directed to ascertain and cause to be laid before this House, a statement of the number of banks incorporated within the District of Columbia, distinguishing the amount of the actual and authorized capital stock, the amount of specie and bills or notes of other banks in their vaults; the amount of debts due, and the amount of notes or bills in circulation by each. Also, the number of incorporated Insurance Companies in this District, with the amount and investment of the capital stock of each, and how employed.

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THE LOAN BILL.

The House again resolved itself into a Committee of the Whole, on the bill to authorize a loan for the service of the present year.

The question yet being under debate, to fill the blank with \$25,000,000—

Mr. PITKIN said: The Chairman of the Committee of Ways and Means, in opening the budget, has informed us, that, for the purpose of carrying on the war, the present year, it is necessary to obtain, by loan and Treasury notes, the sum of thirty millions of dollars. The chairman was candid enough to confess that this sum was much larger than any loan heretofore authorized in this country, and that it was equal to two years' revenue in the most flourishing period of our commerce. Before we add this sum to the present debt of the United States ought we not to pause, and to inquire as to the particular objects for which this money is to be expended.

In soliciting the attention of the Committee to this inquiry, I shall not detain them long in advertent to the original causes of the war. I shall say little relative to the Orders in Council, or the Berlin and Milan decrees. They have passed away, I trust never again to return. I cannot refrain, however, from repeating, what I have more than once declared on this floor, that, on the repeal of the Orders in Council, the best interests of this country dictated the acceptance of the proffered armistice on the part of Great Britain. This would have left the other subjects in dispute open to negotiation, as they now are, and would have saved us from that train of calamities which have followed. Certain I am, sir, that if a knowledge of the repeal of these orders had reached us before the declaration of war, that declaration would never have been made. No man, Mr. Chairman, in Congress at that time, will say that a majority would have been in favor of war, after the principal cause had been removed. If anything is wanting to prove this, let me state to the Committee what is not generally known here, that Mr. Russell, our agent, when the subject of the repeal of the Orders in Council was before Parliament, gave the most positive assurances, that the repeal of them would satisfy the American Government, so far as to prevent a rupture between the two countries. I repeat, sir, that Mr. Russell did give the most positive assurances that the repeal of the Orders in Council would prevent war. Hence the offer of an armistice on the part of Great Britain before they commenced active hostile operations, and hence, in consequence of the rejection of the offer, by the President, the popularity of the war in England, and the union of all parties there, in support of it, and in support of the Ministry.

I cannot subscribe to the doctrine that, war being once declared, we are bound, in all events, to support the Executive in the prosecution of that war, and, more especially, after the principal cause and object of it has been removed. This House, by the Constitution, has a voice in making war, but it has none in making peace. We may be instrumental in bringing upon our coun-

try the calamities of war, but we have no Constitutional power in restoring to it again the blessings of peace. This rests with the Executive branch of the Government alone.

We cannot forget, sir, nor will the nation forget, that the principal object of the vast expenditures we are called upon to make, during the present year, is the conquest of Canada. Sixty-three thousand men are to be raised, and more than twenty-four millions of dollars to be expended for military operations, and principally for this purpose. Believing, as I do, that in this war of conquest, we are sacrificing our men, and expending our money, without a prospect of any adequate advantage, I feel justified in voting against a loan of so many millions for this object. Is the acquisition of Canada, or rather the attempt at the acquisition of it, necessary to aid our Commissioners at Gottenburg? What, sir, is the principal point now in dispute between the two countries? The Secretary of State, in his answer to Admiral Warren's offer of an armistice, has informed us. Speaking on the subject of impressment, Mr. Monroe says:

"Without further discussing questions of right, the President is desirous to provide a remedy for the evils complained of on both sides. The claim of the British Government is to take hither from the merchant vessels of other countries British subjects. In the practice, the commanders of British ships of war often take from the merchant vessels of the United States American citizens. If the United States prohibit the employment of British subjects in their service, and enforce the prohibition by suitable regulations and penalties, the motive for the practice is taken away. It is in this mode that the President is willing to accommodate this important controversy with the British Government, and it cannot be conceived on what ground the arrangement can be refused."

On the subject of impressment, then, there is now no question of right between the two countries. The President has waived the right, and has placed it solely on the ground of a mutual arrangement relative to the exercise of it. Under these circumstances can it be said, with any semblance of truth, as has been often done on this floor, that we are fighting for our independence and for our national sovereignty? When the right is thus given up or waived, why can it be necessary to spend so many millions, on the hopeless project of conquering Canada? Why should we borrow thirty millions of dollars, at an enormous rate of interest, and tax the people to pay it, because Great Britain may not enter into such an arrangement on this point as may be perfectly satisfactory to us? Whether we employ British or foreign seamen in our merchant service, depends entirely upon ourselves, independent of the will of any other nation. We can pass a navigation act, and we ought long since to have done it, confining the navigation of our own vessels principally to our own seamen. This, in time, would cure the evil of which we complain, and without such immense sacrifices as we are now making.

Different gentlemen I know, sir, have different

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views in the prosecution of this Canadian war. Some, and those, I fear, not a few, seem determined never to make peace until Canada is annexed and has become a part of the United States. I am free to confess, sir, that I do not wish to see the heterogeneous mass of Canadian population represented on this floor. I have no disposition to see Canada and Nova Scotia become a part of the American Republic, because it is my wish to preserve that Republic entire; because I wish to perpetuate the Union of the States.

To my mind it is clear, that an extension of our territory and sovereignty, instead of adding strength to the Union, has a direct tendency to weaken it. The consequence of such an extension, I fear, in the end, would be, that the Republic would fall to pieces from its own weight.

Neither am I satisfied that the seizing and holding it as a pledge would afford us any aid in the pending negotiation for peace. Will any gentleman affect to believe that our Commissioners at Gottenburg will say anything about Canada? What, sir, are the terms offered and accepted by the parties? The British Government have offered to treat on terms of reciprocity, and on principles "of the law of nations, and the maritime rights of England."

The Executive of this country has agreed to treat "on terms of reciprocity, and on principles not inconsistent with the rights of both parties as sovereign and independent nations."

Who can believe that, in a negotiation offered and accepted on terms like these, anything will be said about a cession of territory, except that each party, in that respect, should be in the same state as before the war?

If then, sir, peace is really expected or desired, why do we hear so much said, on this floor, and elsewhere, of the necessity of taking Canada? The surest test of the sincerity of the Executive, in the present negotiation, will be, that he makes no serious attempt at the conquest of this country, until the result of the mission to Gottenburg be known.

Connected with this Canadian war there is a subject, to which, for a few moments, I shall beg leave to call the attention of the Committee. I mean, sir, the subject of retaliation. It is one, which, in its consequences, threatens the lives of hundreds of native American citizens, now prisoners of war, and involves the individual peace and happiness of thousands who are connected with them. It is a subject which goes home to the bosom of every American, and is calculated to excite some of the finest feelings of our nature.

The President, in his Message at the opening of the present session of Congress, informs us, that the British commander in Canada had sent to Great Britain, for trial, certain persons, who had been taken prisoners, and "who had emigrated from the British dominions long prior to the state of war between the two nations."

These persons, he says, "had incorporated themselves into our political society, in the modes recognised by the law and practice of Great Brit-

ain," &c. In consequence of this, British prisoners have been put in close confinement; and in return for this, double the number of native American prisoners have been confined by the British Government, all of whom are to share the fate of the first.

The Message of the President is somewhat obscure, and does not clearly indicate the national character of the persons who have been thus taken and sent to Great Britain for trial. I do not understand, however, by the words of the Message, that they have ever "incorporated themselves into our society," agreeable to our naturalization laws. If they have not, whatever the laws and usage of Great Britain may be, they cannot be citizens of the United States. If the persons referred to had been naturalized under our laws, and the President had known the fact, he would certainly have so stated it in his Message. If, then, these persons have not been naturalized here, and, from the Message, I presume they have not, in what light are they considered by our own laws? They are, sir, alien enemies, and as such liable to be removed by the President at any moment. The act passed by Congress on the 6th of July, 1798, and now in force, is explicit. It declares: "That whenever there shall be a declared war between the United States and any foreign nation or Government, or any invasion, or predatory incursion, shall be perpetrated, attempted, or threatened, against the territory of the United States, by any foreign nation or Government, and the President of the United States shall make proclamation of the event, all native citizens, denizens, or subjects to the hostile nation or Government, being males of the age of fourteen and upward, who shall be within the United States, and not actually naturalized, shall be liable to be apprehended, restrained, and removed, as alien enemies." It is under this law, sir, that the President, since the commencement of the war, has sent many persons to a great distance from their homes near the seaboard, who were born in Great Britain, but who had resided here, and had married here, many years before the war, but who had not been actually naturalized. If then, sir, the persons who have been taken prisoners while invading Canada, and sent to England for trial, were not actually naturalized at the time of the declaration of war, they were by our laws alien enemies. And should these men be tried and condemned in their native country, however much I might deplore their fate, I can never consent that one drop of American blood should flow, not a single American family be made miserable on their account.

It is not my intention, sir, to enter into the consideration of the subject of allegiance, or the effects of naturalization. This would lead me far beyond the limits I had prescribed to myself. I would observe, however, that with respect to naturalized citizens, the Government of the United States must fulfil all their obligations and duties to them. What these obligations and duties are, it may be difficult to ascertain with pre-

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cision. While they remain within our own territory, and within our exclusive jurisdiction, they are to be protected by the Government. But when they depart from the United States, and reside abroad for a certain period of time, either in their native country or in a foreign country, by our own laws they are not to enjoy all the rights and privileges of native citizens.

By an act passed by Congress in 1804:—"If any person naturalized in the United States shall reside for more than one year in the country from which he originated, or for more than two years in any foreign country," unless in the capacity of a public agent, he cannot own an American ship. But a ship owned by such person, although registered as an American ship, must pay foreign tonnage and foreign duties. So far, therefore, as respects American navigation, a person in this situation is considered to all intents and purposes a foreigner.

It is, sir, the peculiar province, as well as the duty of this House, to watch the expenditure of public money, and to see that the people are not unnecessarily burdened with debt and with taxes. The acting Secretary of the Treasury, in his annual report, has told us that the sum necessary for the expenses of the present year amounts to \$45,350,000, and, of this sum, thirty millions is to be obtained by loans and Treasury notes. The sum to be thus borrowed is six times larger than any loan ever obtained since the commencement of the Government until the present war.

The honorable chairman has thought proper to state, that, during the five years of the present Administration, the public debt has increased \$20,781,881 40. This statement may be, and probably is correct. I should have been better satisfied, however, had the chairman informed us distinctly the actual amount of the expenses of the present war, and the increase of the public debt in consequence of it, as well as what those expenses and the amount of the debt must be at the present rate of expenditure, at the close of the present year. The Committee, as well as the nation, would then have been able to judge whether the prospect of advantage from a prosecution of the Canadian war would not be more than counterbalanced by the expenses incurred by it. It is my intention, sir, to present this subject, dry and uninteresting as it may be, to the view of the Committee under the following heads, viz:

First.—The amount of the expenses of the Government (exclusive of the public debt) since the commencement of the present war, viz: from January 1, 1812, to December 31, 1813, together with the amount of the sums estimated for the same expenses for the year 1814.

Second.—A comparative view of these expenses, with the sums expended for the same objects during former Administrations.

Third.—The actual increase of the public debt, from January 1, 1812, to December 31, 1813, and what that increase must be at the close of the year 1814, in case the sum contemplated to be raised by loan and Treasury notes should be attained on the terms of the former loans.

First.—The expenses of the Government, (exclusive of the public debt,) from January 1, 1812, to December 31, 1813, have been as follows, viz:

I—From January 1, 1812, to September 30, 1813.

| | |
|---------------------------------------------|--------------------|
| 1. For civil list, foreign intercourse, &c. | \$1,556,864 46 |
| 2. For Military Department | - - - 7,464,814 80 |
| 3. Naval Department | - - - 2,638,612 95 |

| | | |
|------------------------|---|---------------|
| Per Treasury statement | - | 11,660,292 21 |
|------------------------|---|---------------|

II—Sept. 30, 1812, to Sept. 30, 1813.

| | |
|---------------------------------------------|---------------------|
| 1. For civil list, foreign intercourse, &c. | 1,705,016 35 |
| 2. For Military Department | - - - 18,404,650 49 |
| 3. Naval Department | - - - 6,317,411 15 |
| | 26,427,077 99 |

III—Sept. 30, 1812, to Dec. 31, 1813,

being the last quarter of 1813.

| | |
|----------------------------|--------------------|
| 1. For civil list, &c. | - - - 400,000 00 |
| 2. For Military Department | - - - 5,887,747 00 |
| 3. Naval Department | - - - 1,248,145 10 |

7,535,892 10

Making, as per statements \$45,623,262 30.

IV—From January 1, 1813, to December 31, 1814.

The expenses, and to defray which, we are called upon to borrow thirty millions of dollars, and which, if the war continues, must be paid, have been estimated by the Secretary of the Treasury as follows:

| | |
|-------------------------------|------------------|
| 1. For civil list, &c. | - - - 1,700,000 |
| 2. For Military Establishment | - - - 24,550,000 |
| 3. For Naval Establishment | - - - 6,900,000 |

\$33,150,000

Making, in three years, exclusive of the public debt, an expense of \$78,773,262 30.

It will be observed, that, for the year 1812, the above sum of \$45,623,262 30 includes the money actually paid from the Treasury during those years. Many expenses, incurred during that period have not yet been paid, or presented for payment. The claims of several States for expenses in calling out their militia, have not been allowed or paid. The State of Virginia alone has a claim of this kind, amounting to \$380,000. The floating debt, therefore, may amount to several millions. Neither does the estimate for the year 1814 include the large bounties lately given to encourage the recruiting service.

Let us, sir, compare this expense with the sums expended by former Administrations for the same objects. The extravagant expenditures of former Administrations have, for many years, been the theme of both public and private declamation, as well as denunciation. It may be useful to look back, and to inquire whether the practice of those who have professed so much economy in the expenditure of the public money, has been conformable to their professions.

By recurring to official documents, furnished us from the Treasury Department, we shall find that the whole expenses of the several Administrations (exclusive of the public debt) have been as follows:

1. *The Administration of President Washington.* The whole expense for Military and Naval Establishments, Indian department, foreign intercourse, Barbary Powers, civil list, and all others, (exclusive of public debt,) from March 4, 1789, to 1797, inclusive, being more than eight years, was - \$18,408,020 81
2. The expense for the same objects, during the Administration of Mr. Adams, from 1798 to 1801, inclusive, being four years, was - 23,496,430 13

Making, from March 4, 1789, to 1801, inclusive, being two years and ten months - 41,904,450 94

It will be remembered that this sum includes the expenses of the Indian wars, about one million expended in suppressing an insurrection in the State of Pennsylvania, and nearly one million for the release of American prisoners at Algiers, during President Washington's Administration, and the whole expense of the war with France in the Administration of Mr. Adams.

3. The expense for the same objects, from 1801 to 1811, inclusive, being the eight years of President Jefferson's and the two first years of President Madison's Administrations, making ten years in the whole, were - 54,437,478 06

Making the whole expense, (exclusive of the debt,) from March 4, 1789, to December 31, 1811 - 96,341,929 00

Difference between the expense of Washington and Adams's Administrations, being twelve years and ten months, and the Administration of Jefferson and Madison, for ten years, of - 12,543,027 12

During the last period there was paid under the Louisiana Convention, and under the British Treaty, and included in the above expenses - 6,361,000 00

This sum was not equal to the extraordinary expense of the former period: each may, therefore, be offset against the other; but, if deducted, will still leave a difference of - 6,182,027 00

From this statement, taken from official documents, it appears, that the expense of the Military Establishment alone, for the year ending on the 30th of September, 1813, was greater than all the expenses (exclusive of the public debt) during the whole of the Administration of President Washington. Strange, sir, as this may seem, it is nevertheless true.

From the 30th day of September, 1812, to the 30th of September, 1813, there was paid from the Treasury, for the Military Department - \$18,484,756 49

The whole expense (exclusive of the payments for the public debt) during the eight years of President Washington's Administration, was only - 18,408,020 81

Leaving a difference of - \$76,735 68

The estimate of expenses for the Military Department for the year 1814, exceeds, by about a million of dollars, the whole expense (exclusive of the debt) of Mr. Adams's Administration. The expense of the Military Establishment, for the present year, is estimated at more than twenty-four millions and a half, and the whole expense of that Administration (exclusive of the debt) was a little short of twenty-three millions and a half. Yes, Mr. Chairman, the four years' extravagance of President Adams is to be outdone by the War Department alone, during the present year! How often, sir, have we been reminded, both here and elsewhere, of those hard and extravagant times! How often have the standing armies, the expensive navies, the eight per cent. loans, and the enormous and oppressive taxes of John Adams been resounded through every part of the United States!—and with what effect? The authors of those measures were considered as unworthy of public confidence. And yet, sir, the expenditures of those times, in comparison with the expenditures of the present, were “trifles light as air.” In no one year did the Military Establishment of Mr. Adams cost more than about two millions and a half; for the present year it is estimated at more than twenty-four millions. Nor did he expend upon his favorite navy more than about three millions and a half in any single year; the expense of the navy this year is estimated at \$6,900,000. A little more than six millions was then borrowed at eight per cent. This Administration, during the last year, borrowed twenty-two and a half millions of dollars, at about the same rate of interest, and we are now called upon to borrow twenty-five millions more, and which cannot, probably, be obtained on more favorable terms. A land tax of two millions of dollars was then laid, with other internal taxes. A land tax of three millions is now in collection, with nearly all the other internal taxes of Mr. Adams, with some additional ones, and the amount of them is nearly doubled; and it is agreed that another land tax of three millions must be laid for the next year. I will not say that some of the expenditures of those times might not have been extravagant; but I will say that those expenditures were economy, even parsimony itself, when compared with those of the present Administration.

The expense of the war, at the close of the present year, at the present estimated rate of expenditure, will exceed the whole expenditure of President Washington's Administration for the same objects - \$60,545,311 44
And will exceed that of President Adams's - 55,454,902 17

Let us in the next place inquire into the actual increase of the public debt since the commencement of the war, and what that increase must be at the close of the present year, if, as proposed by the budget, thirty millions is obtained on loans and Treasury notes.

The following loans have been made, exclusive of the Treasury notes, since the war:

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1. Loan of 1812, \$11,000,000. This was partly temporary, and partly permanent and funded; on this loan there was obtained - - - \$10,184,700

2. Loan of 1813, per act of February 8th - - - \$16,000,000

The greatest part of this sum was obtained at the enormous premium of 13 dolls. and 63 7-11 cts. for every 100 dolls., viz: for every 100 dolls. borrowed, the Government gave their notes or stock for 113 dolls. and 63 7-11 cents, at 6 per cent., making a premium of 2,180,000

\$18,180,000

3. Loan of 1813, per act of August 2d - - - 7,500,000

The whole of this sum was obtained, or contracted for, at 13 dolls. and 31 4-9 cents for every 100 dolls., making a premium of - - - 998,250

\$8,498,250

4. The contemplated loan for 1814, of - - - 25,000,000

If this loan be obtained on the terms of the 16 million loan, viz: 113 dolls. and 63 7-11 cts. for 100 dollars, it will make a premium of - - - 3,407,600

28,407,600

5. Treasury notes for 1814 - - - 5,000,000

\$70,270,550

Part of these loans have been paid as follows, viz:

In 1812, part of the 12 million loan purchased - \$324,200

Part of the same loan paid in 1813, being temporary, per contract - - - 1,350,000

To be paid in 1814, part of same loan - - - 750,000

2,424,200

Leaving at the end of the year 1814, an actual debt, at 6 per cent., incurred in consequence of the war, of - - - \$67,746,350

I have added the five millions of Treasury notes to be issued during the present year, as a part of the debt at the close of the year, because they are issued for the purpose of paying or supplying the place of about an equal amount of Treasury notes falling due the present year, but which I have not included as part of the debt. In order to ascertain the real amount of the debt, either the notes which fall due this year, or those which are issued to supply their place, must be taken into the account.

If we add to this the amount of the old debt at the close of the present year, we shall find the amount of the whole debt of the United States, on the 31st day of December, 1814:

The amount of the old debt, including the Louisiana stock, on the 1st day of Jan. 1812, was \$45,154,189 And consisted of the following species viz:

Five per cent. and deferred stocks unredeemed - \$17,067,096

3 per ct. stock 16,157,890

Converted do. 565,318

16,723,208

1796 6 per cent. stock - 80,000

Registered debt, and debt due to foreign officers - 33,885

Being amount of old debt unredeemed on the 1st of January, 1812 - 33,904,189

Louisiana 6 per cent. - 11,250,000

\$45,154,189

Of this debt there has been since paid or purchased, and will be paid at the end of the year '14, the following sums, viz:

1. Reimbursement of the old 6 per cent. and deferred stocks, for the y'rs 1812, '13, and '14, about \$1,500,000 per year, in three years - - - 4,500,000

2. Converted 6 per cent. stock paid in 1812 - 565,318

3. Louisiana stock purch'd - 326,500

5,391,818

Leaving the amount of the old debt on the 31st December, 1814 - - - \$39,762,371

Making the whole debt of the United States, at the close of the year 1814 \$107,608,621

Yes, Mr. Chairman, if the war continues the present year, the public debt will amount to more than one hundred and seven millions of dollars, being about thirty millions more than the debt at the commencement of the present Government. And for what has this debt been incurred? Principally for the hopeless and useless project of taking Canada. And when is this debt to be paid by the people of this country? The Chairman of the Committee of Finance has indeed consoled us with the idea, that, in times of peace, we can easily pay off the debts incurred by war; that as in eleven years we have paid off forty-six millions of debt, we can in twenty-two years pay ninety-two millions. It is true, that in about eleven years, viz: from 1801 to 1811, forty-six millions of debt were paid. How was this done? From an overflowing Treasury, in consequence of an extensive and active commerce.

The receipts into the Treasury from the whole revenue of the United States, from March 4th, 1789, to December 31st, 1811, were - \$208,859,076 71

Of this sum there was received, from March 4, 1789, to 1801, inclusive, being 12 years and 10 months—
\$78,139,915 80

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And from 1802 to '11,
inclusive, being 10
y'rs, was rec'd 130,719,140 91
From 1802 to 1811,
inclusive, the ex-
penses, (exclusive
of debt,) were, as
before stated 54,437,478 06

Leaving during that
period, applicable
to the payment of
the interest and
principal of the
public debt 76,281,662 85

Of this sum of more than two hundred and eight millions of revenue, that part which arose from commerce, or from the customs, was 193,115,266 13

Leaving for all other sources of revenue, during that period, only - \$15,743,810 58

It would have been strange, indeed, if, with seventy-six millions of dollars at command, the Administration, during that period, could not have paid off forty-six millions of the debt. But on the return of peace here and in Europe, we cannot expect a return of that extensive and prosperous commerce we enjoyed before the commencement of the restrictive system. Besides, the expense of our future peace establishment must be much greater than heretofore. Should peace take place at the close of the present year, it would leave us with a debt, the annual interest of which would be about six millions of dollars; this, with the annual reimbursement of the old debt, amounting to about one million and a half, would make nearly eight millions to be provided for annually for the debt alone. The peace establishment for the army, navy, &c., will not be less than seven millions, making the whole at least fifteen millions.

This project, then, of taking Canada, is to saddle the people of this country with an enormous debt, and for the payment of which their houses, their shops, their lands, their carriages, and almost every thing they eat, drink, or wear, must be taxed.

In presenting the budget, and calling for so large a loan, the chairman of the committee, as was his duty, had made some remarks and statements to show the ability of the nation to furnish this loan. With this view he has made an estimate—

1st. Of the amount of the capital of the country.

2d. Of the income of that capital.

3d. Of the amount of the circulating medium.

His estimate of the am't of capital is \$2,567,480,000
And the income arising from this capital, or what he calls the annual produce of the industry of the United States, is estimated at 235,489,600

I shall not trouble the Committee long in inquiring whether this estimate be correct or not. All calculations of this kind, especially in this country, must, in a great measure, be conjectural.

I should suppose, however, that the estimate relative to the income of the United States, particularly in prosperous times, is short of the truth, but in times like these, when there is a total stagnation of business, and the whole amount of our exports does not exceed twenty-seven millions of dollars, our income must be comparatively small. For the purpose of showing the ability of the community to loan the sum required, the honorable chairman in the next place endeavors to fix the proportion between the amount of the circulating medium and the productive industry of the country. He supposes, from consulting the best writers on political economy, that this proportion, at the greatest, would not exceed one-fifth. One-fifth of 235 millions, he says, is \$47,569,120, which he considers as "sufficient for actual circulation, and that the whole of the circulating medium above that sum, might be locked up or drawn from circulation, without producing inconvenience or pressure."

He then calculates the whole circulating medium of the United States to be \$100,000,000, consisting of \$50,000,000 in bank notes, and \$50,000,000 in discounts at the banks. He then says, "from this sum deduct \$47,569,120, the maximum of what is deemed necessary for circulation, and the sum remaining, viz: \$52,430,880, constitutes the ability of the moneyed capitalist to loan."

On this subject, sir, my ideas are very different from those advanced by the chairman of the committee. As to the amount of the circulating medium of the country, the estimate is much too large. I have never seen or heard it estimated higher than about eighty millions. And of what, sir, does this circulating medium consist? It consists of specie, of gold and silver—the universal standard—by which the commercial transactions of mankind are regulated, or the representative of gold and silver. Bank notes may very properly be considered as constituting a part, and at present the principal part, of the circulating medium of this country. Why, sir, are they so considered? Because they are the representative of gold and silver. They are valuable, because they can at once be converted into gold and silver. The moment they will not command the specie they lose their value, and will not pass from man to man. It is difficult to ascertain, with precision, the amount of bank notes in circulation in the United States. From the data, however, to which I have had access, I am satisfied that the sum does not exceed thirty millions. The late Bank of the United States, with a capital of ten millions, and with an average deposit of five millions more, and whose bills had a general currency, and were receivable for all debts due the United States, could not, for many years, keep in circulation, on an average, more than about five millions of bank notes. This was about fifty per cent. of the amount of their capital. We cannot, therefore, calculate that the present State banks, taken together, can circulate bills to a greater amount than about fifty per cent. of the capital actually paid in. The bills of some of the banks, from their local situation, exceed this amount.

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while the bills of many others, and particularly of the larger banks in the cities, fall short of it.

The present bank capital is estimated by the chairman at seventy-five millions of dollars. If, sir, he means that this sum has actually been paid in, it is too large. In 1812 the Secretary of the Treasury stated the amount to be only fifty millions; and from the best information I can obtain, I am satisfied the amount paid in does not at present much exceed sixty millions. Supposing those banks, taken together, can circulate, in proportion to their capital, as many notes as the late Bank of the United States, the bank notes in circulation will be only thirty millions. From information, however, furnished by some of the State banks at different periods, we shall be satisfied that this sum, taken on an average, is probably too large. About the first day of January, 1812, the capital of three of the principal banks of Pennsylvania, and of three large banks in Massachusetts, and of all the banks in Rhode Island, amounted to \$11,808,650, and the notes in circulation from these banks, at that time, was only \$4,487,702, being a little more than one-third of the amount of the capital. This, sir, appears from statements made by the directors of those banks to the Legislatures of those States respectively. In January of the present year, the capital of all the banks in Massachusetts was \$11,575,000, and the notes in circulation amounted only to \$4,117,118. If we suppose the bank capital of Massachusetts to be one-sixth of the whole banking capital of the United States, and that the other banks circulated notes in the same proportion to their capital as the banks of that State, the amount of all the notes now in circulation will be only \$24,702,708.

As the banks farther south have probably more notes in circulation, in proportion to their capital, than the banks in Massachusetts, the notes in circulation may exceed this amount by two or three millions. A very general error has prevailed on this subject. Many have supposed that banks could issue notes to an almost unlimited extent, and that they had generally done it to an amount far beyond their capital. This idea is, however, a very erroneous one. A certain quantity of circulating medium is necessary in every country, for its various commercial transactions, and to facilitate an interchange of the products of its industry. This quantity increases with the increased wealth and resources of the country, but whether it consists in specie or in bank notes, it can never exceed the amount which is necessary for the objects for which it is required. The idea, that bank discounts constitute a part of the circulating medium of the country is indeed novel. The honorable chairman will find that he must apply to some other resources, than the surplus of what he calls the circulating medium, in order to fill this loan. He must apply to the capital of the country, which can be spared from other objects. What the amount of this capital is, it is difficult to determine. I feel no disposition to depreciate the wealth and resources of the country. Before the commencement of that self-de-

stroying system, which has been pressing upon us for so many years, no nation, in proportion to its means, ever increased so rapidly in wealth and in accumulation of capital as the United States. In the years 1805, '6, and '7, our exports amounted annually to more than one hundred millions of dollars. They are for the last year reduced to the pitiful sum of twenty-seven millions.

During the years 1805, '6, and '7, the revenues from imports amounted to \$47,555,629 97, in the three succeeding years they were only \$27,078,740 05, making a difference of more than twenty millions. During the present year, with the double duties, they are estimated at only six millions. While this fatal system, together with the war, has thus exhausted the National Treasury, it has likewise, to a great extent, exhausted the wealth and resources of individuals. To obtain the last loans you were obliged to make sacrifices, which would put at hazard the credit of almost any individual in the community. And you can hardly expect that, without any funds provided for the payment even of the interest of the contemplated loan, you can obtain it, if, indeed, it can be obtained at all, at a less sacrifice.

Before we proceed further in these vast expenditures and extravagant loans, for the purposes of foreign conquest, let me beseech gentlemen to pause and to reflect upon the immense burdens they are imposing upon the people of this country, and their posterity for generations yet to come.

When Mr. PITKIN had concluded—

Mr. SHEFFEY rose and said, that, on this occasion, it became the duty of the Committee to look beyond the present moment. The motion submitted by the honorable Chairman of the Committee of Ways and Means required them to consider not only whether there existed in the country a capacity and disposition to furnish the sum now wanted, but whether this system of loans and expenditures, of which the present measure constituted a part, could continue until the professed objects of the war were accomplished. There is certainly, said Mr. S., no honorable member on this floor who entertains serious doubts on the subject, who will not feel disposed, at least, to pause. There is none who shall be convinced that this system has its limits, and that those limits are short of your object, who will not think the present the best moment to arrest your progress. To continue the effusion of blood and the waste of money, without hope, would be wanton and cruel.

The sum proposed to be raised by loans, including the Treasury notes, as a portion of the means necessary to defray the expenses of the present year, is thirty millions of dollars. Although exceeding in amount any loan ever attempted in this country, (as it is admitted,) and exceeding any loan ever obtained in any other country, (means and circumstances considered,) as I shall have occasion hereafter to notice, yet it will be far short of our necessities, should our Army equal the number estimated. The Secretary at War estimates the military expenditures

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at twenty-four and one-half millions of dollars, and our military force for the year at sixty-three thousand men, thus making the average cost per man less than four hundred dollars. If we judge from past experience, I am inclined to believe the average cost will fall little short of one thousand dollars per man, and therefore, if the Secretary's premises are to be regarded, our military expenditures will this year exceed \$50,000,000.

During the fiscal year, which commenced on the first day of October, 1812, and ended on the 30th September, 1813, the various sums paid on account of the military service, amounted to more than eighteen millions of dollars, and about six thousand dollars less than the sum appropriated. The paper laid on our tables, showing the near approach of the amount actually paid to the sum appropriated, may have been considered by some as a high evidence of the wisdom and sagacity of those who managed our affairs. Let them not be deceived. Nothing is more fallacious than the idea that the expenditure is limited by the appropriation. The actual payments only are so limited. If there is an excess of expenditure, it constitutes a debt which is paid out of the next appropriation. To prevent the whole sum appropriated for the military service from being paid as demands may require, and thereby prematurely exhaust the means of payment, the Treasury Department has interposed a restriction by which but one-twelfth part of the amount appropriated can be drawn monthly. Thus, the appropriation for the last year being about eighteen millions, the Treasurer, as agent for the War Department, received a monthly credit of one million and a half; beyond this sum no payment could be made, whatever the demand might be. Should there have been any application within the month after the sum set apart was exhausted, the claimant would be postponed, he would have to wait until the waters were again moved, and if he was not preceded by others, or thrown back in the scramble, he might be satisfied.

Sir, we have no means by which the actual military expenditures can be ascertained. Such is the manner of disbursement, and the state of the various branches of the War Department, that no person knows, or can know, how much of the immense sums drawn from the Treasury is actually paid to those entitled thereto, or how much remains due. Many millions are received by officers and contractors in the way of advances, who, instead of being called upon at short stated periods to account, retain large sums for months, often for years, and sometimes forever. There is, in fact, no system, no accountability. The people's money is squandered to enrich those who riot on the public spoils, and who fatten by their calamities. Little as I know, I have heard and seen enough to convince me of the profligacy, profusion, and corruption, which attends the expenditure of your public money. No person can form an adequate idea of the amount, nor will it be known until long after the war shall have closed. You are in the habit of passing

laws to provide for the payment of claims not before contemplated, the extent of which you do not anticipate. It is, moreover, evident that many claims that accrued before the close of the last fiscal year, were either not presented, or not paid. We know of many large ones in that situation. Though I have no certain data, I have no hesitation in believing that the actual expenditure exceeded the appropriation ten millions of dollars.

[Mr. EPPES interrupted Mr. SHEFFEY, and said that if the gentleman had any evidence of the fact he stated, he requested him to produce it.]

Mr. SHEFFEY resumed. The gentleman called upon me for evidence. If he means positive evidence, I have already stated there is none. No mortal being knows the actual amount of expenditure. It is matter of reasoning and deduction merely. One thing is certain, that the eighteen millions appropriated last year for the military service are insufficient to pay the demands that ought and must be paid. The gentleman himself has presented the claim of Virginia amounting to nearly \$400,000 which is unsatisfied. The claims of other States and individuals are in the same situation. Admitting, however, (and it is yielding much) that the excess of expenditure is but five millions, the expense of our military operations during the year, which ended on the 30th September last, amounts to more than twenty-three millions of dollars.

Let us examine what was the state of our military force during the same period. On this subject it will not be expected that I should exhibit evidence, in its character either positive or conclusive. None such, I believe, exists; and that which the records of the War Department might furnish, inconclusive as it must be, is not confided to us. We, the representatives of the people, are not permitted to know the real state of the people's concerns, lest the information should be improvidently used. It is withheld from us as edge tools are withheld from children. In the absence, therefore, of everything like official information, I must be permitted to resort to such facts and estimates as are within my reach. The result, though it may not be minutely accurate, will be sufficiently so to serve every purpose connected with the present discussion.

If the estimate of the Secretary at War as to the expense per man is to be relied on, it follows that the military force of the United States, between the 30th September, 1812, and 1st October, 1813, on an average, must have exceeded fifty-six thousand men. Indeed, the appropriations made contemplated effectual provision for that number. Is there any person who does believe such to have been the fact? Where were they employed? What positions did they occupy? During the first quarter of the year, at the moment most favorable, when every effort had been made to collect the great force on the Niagara frontier to penetrate into Canada, the commanding officer states the number at less than two thousand men; it unquestionably was much less a great portion of the time. Very few of the

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Pennsylvania brigade of militia were in service the whole period. The Army under General Harrison, including the posts on and in the vicinity of Lake Erie, did not much exceed three thousand men. On Lake Champlain, and the frontier in that quarter, about two thousand men were stationed. The forces in Louisiana and West Florida amounted to about the same number. And in Georgia and the Carolinas there were not more. Allowing four thousand men for every other place, the average number would be about fifteen thousand men.

During the second quarter of the year there was no considerable addition made to the number of our military force, except so far as respects the militia called out for the defence of Norfolk and the coasts on the Chesapeake. The recruiting service progressed but slowly. Many of the militia and volunteers were discharged, and great mortality prevailed in the regular army. Indeed, not until towards the close of the last quarter, was there any considerable augmentation. About that time, our force might be estimated thus:

| | | | | | |
|-------------------------------------------------|---|---|---|---|-------|
| Under Wilkinson | - | - | - | - | 7,500 |
| " Hampton | - | - | - | - | 4,000 |
| " Harrison | - | - | - | - | 3,000 |
| Militia and volunteers on the Northern frontier | - | - | - | - | 5,000 |
| Norfolk and the Chesapeake | - | - | - | - | 5,000 |
| Louisiana, Georgia, and the Carolinas | - | - | - | - | 4,000 |
| All other places | - | - | - | - | 6,500 |

Making the average for the last quarter - 35,000

And for the year, ending on the 30th September, 1813, about twenty-five thousand men.

In the estimate which I have submitted, I am certain that I have rather gone beyond, than fallen short of the true average number. Generals Wilkinson and Hampton, at no period during the campaign, had a greater force than that estimated. And General Harrison's was much below 3,000, independent of the Kentucky and Ohio militia, who did not commence their march until about the beginning of September.

The result which follows makes the average expense per man little less than one thousand dollars for the last year. Evidence drawn from recent experience tends strongly to support this conclusion. The expense during the first four months of the war, according to the best estimate I could make, was at the rate of nine hundred dollars per man, per annum. For 1809, our army cost us four hundred and ninety dollars per man, including all military expenses, as appeared by the documents laid before us; and we were then in a state of profound peace. The increased bounty and pay which has since been granted; the host of officers which are supported; the expense of transportation; the enhanced price of munitions; the arms and ordnance required; the losses and waste attending a state of war—leave little doubt of the general correctness of the opinion expressed. It follows that the estimate of twenty-four and a half millions for sixty-three thousand men is totally incorrect; we shall expend more than

double the sum, or shall have less than one half the army estimated. The latter will most probably be the case. The money will be expended, and when we shall hereafter inquire into the strength of our military force, we shall be (as we have been) told that the information is not proper to be communicated, lest the enemy should obtain knowledge of our weakness. Thus the delusion is kept up. The people's money is squandered, while the most important facts, connected with their best interests, are veiled from their eyes.

The honorable chairman of the Committee of Ways and Means, when he submitted the motion now before you, attempted to prove that this country had the means to furnish the loan proposed; and that that it was the interest of capitalists, and of course their disposition, to accommodate the Government. This was perfectly statesman-like. He gave us a detailed statement, the correctness of which I am not disposed to question, tending to show the wealth of this country. But he failed entirely, in my humble opinion, in the inferences he was disposed to draw, and which were essential to his object. The wealth of a community does not furnish any certain data, from which to infer the existence of any disposable means, much less such means as naturally take such a direction. The wealth of a nation may be respectable in amount, yet there may be no surplus beyond the wants of its people; its industry may produce periodical surpluses, but if left alone will be otherwise and perhaps better employed than in loans to the Government.

The honorable gentleman's first item in the account of our national wealth, is the improved lands, the value of which he estimated at nine hundred and eighty-two millions of dollars. Land is truly the great source of all wealth, but it does not follow that those who possess it have the means alone suited to the object of the present bill. If the value of landed property in Sweden and Norway was estimated by the standard of public opinion there, it would probably exceed the sum at which the gentleman estimates ours. Yet they have little capital. Holland in her better days was poor in land, while her money wealth exceeded all example. Our own country furnishes sufficient evidence that land and other property constituting agricultural stock is not (and does not necessarily produce) in the hands of the proprietors extensive moneyed means. The planters of the South possess their thousands of acres, and their hundreds, and even their thousands of slaves. The inhabitants of the West own immense quantities of the most fertile lands, estimated among themselves at a high value. Yet they have very little money capital. How much have individuals from those sections of the Union (I speak not here of banks) contributed to your former loans? Comparatively nothing. This is not owing to their opposition to the war; for it not only has their undivided support, but their enthusiastic affection. Some of them, particularly the citizens of Kentucky, have manifested their sincerity in the cause, by bestowing upon it their heart's blood. If the honorable gentleman

will look to his own district, he will see a considerable portion of wealth in lands and personal property; yet I presume his constituents have not contributed much to the loans—so it is in mine. Though there are several individuals who are really wealthy, I know of one only who has subscribed anything. The reason is, that many have no surplus means, and those who have, think it more prudent and more productive to vest them in something else.

What I have said on the subject of land is applicable to every other species of visible property, and particularly personal property. Its value constitutes no evidence of the disposable moneyed means of a community. It is either a subject of expense to the proprietor, or it constitutes a part of his capital in some branch of industry. In our country, a very great portion is really agricultural stock, which I before noticed, or commercial capital; in the latter case, it is clearly comprehended in another item of the gentlemen's statement.

The honorable gentleman has included in his account of our national wealth, the value of the public lands, which he estimates at eight hundred millions of dollars. This is not the first time that we have been presented with this object, as constituting in itself the most unbounded resources. I recollect several years ago, when the war in which we are now engaged was in prospect, the honorable gentleman in his place, as chairman of the Committee of Ways and Means, with a view, as I understood, to justify such an ulterior resort, and the profuse expenditure it would necessarily occasion, stated that our resources were far beyond those of any nation of modern times. I listened with the utmost attention in the expectation of some new development—some new principle in finance to which I had been an utter stranger. But I confess I was sadly disappointed, when I heard that the public lands constituted this boundless, this inexhaustible treasure. Sir, when we are called on to provide for present expenditures, and present demands, it surely becomes us not to refer to future means which it requires ages to accumulate, which can be brought to your aid in small periodical contributions only. Your public lands constitute a capital from which you draw a variable annuity, equal to the net annual amount of sales. That amount has seldom exceeded five hundred thousand dollars per annum, and very often been much below it. Admit, however, the average amount to be expected into the Treasury equal to six hundred thousand dollars per annum, the present cash value of all the public land does not exceed ten millions of dollars. Because a cash capital to that amount would produce a perpetual annuity of \$600,000 at six per cent. It may be said, however, that the sales of our lands will progress with the increase of population. This in some degree may be true. But the increase of population will extend and multiply the sedentary arts. The improvements in agriculture, and the clearing of lands already private property, will provide the means of subsistence for a greater number. Be-

sides, the vast quantities of lands owned by States and individuals, will come into competition with you after your most favored spots are sold; so that, with the daily diminution in point of real value of the remnant in the market, no considerable increase in the amount of sales can be expected.

The honorable gentleman also presented to our view the amount of our bank capital, which he estimates at seventy-five millions of dollars. He supposes the average amount of bank paper issued and outstanding, with the specie not in the vaults of the banks, to amount to one hundred millions, and, therefore, that the circulating medium of the country is equal to that sum. On these topics the appearance is too often taken for the reality: and on no subject are appearances more delusive than on these. So long as bank payments can be demanded in specie; so long as specie constitutes the basis of all money transactions; so long the real bank capital in a community cannot exceed the actual amount of specie. The excess is a nominal or credit capital, which it is the object of banks to organize and modify, to supply the deficiency of a real or specie capital.

To illustrate this idea, let me suppose a community without banks, whose whole circulating medium consisted of specie. That in this situation a bank should be created of a capital exceeding the amount of all the specie, and the whole stock to be paid in that medium on a certain day. It would most unquestionably follow that the stock subscribed could not exceed the amount of specie; or, in other words, the banking could not exceed the specie capital. As things are, however, the paper or credit of existing banks constitutes a great portion of the capital of every new bank; and thus bank capital is multiplied, without any addition either of specie or real wealth.

To simplify the subject, and to show the manner in which bank capital is multiplied, let me suppose that in a small community, the whole circulating medium amounted to 3,000 dollars specie, owned by three individuals, A, B, and C, in equal proportions; that they should establish a bank called A's Bank, comprising the whole of the money in which they were interested alike, and which was restricted not to issue paper to a greater amount than its capital. Afterwards, they should determine to establish another called B's Bank; but, having no further real means, they should obtain accommodation at A's Bank, each to the amount of his stock—paid in notes. They would be then enabled to pay the capital of B's Bank. If they should be disposed to erect a third bank, they might do it in the same manner, by obtaining discounts at B's Bank, each to the amount of his stock. Here there would be a nominal banking capital of \$9,000, when a real capital of \$3,000 only existed—each of the banks would not exceed in issues the amount of its capital, and each might be justly considered as perfectly solvent, its capital being mediately or immediately represented by the amount in specie.

Let me suppose another case. A, B, and C,

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each, possess \$500 in specie. They agree to establish a bank of \$3,000 capital, in which they are to be the sole stockholders, and equally interested, and which is to commence its operations when one half the capital is paid in. Each pays the money he has, upon which the bank is organized. To enable them to pay the balance of their stock, each obtains a discount to the amount due. Here is a capital nominally of \$3,000, but really of 1,500 only. These cases, though hypothetical, show the principles of paper credit, which exist more or less in every banking institution; and constitute the basis on which the extension of bank capital rests.

As it respects the amount of bank paper issued, I think with the honorable member from Connecticut (Mr. PIRKIN) that the opinions generally entertained are very incorrect. It is believed that the issues far exceed the capital, because there is a legal power to do so. But there is a discretion which prudence dictates in the management of such affairs, more restrictive than the legal discretion. The question is not, what amount can be issued? But, what amount can be kept in circulation? The consequences of an excessive emission are, that the paper will return in rapid succession and increased quantities, and, for the want of real means in hand, the credit of the institution is hazarded. Equally fallacious is the idea, that the aggregate amount of paper issued by the various banks is evidence of the amount of paper in circulation. Extended as the banking capital is beyond the amount of specie in the country, bank notes constitute a portion of the stock of every bank; every one of them has and is compelled to have the paper of other institutions, as a portion of its means to support its credit and to meet the payment of its own notes. The operation, in a more simple form, is this—every bank takes out of circulation a portion of the paper of other banks to enable it to supply it with its own.

The honorable gentleman has supposed the ability of banks to make loans to the Government, is increased by the destruction of foreign commerce. There is a view in which this idea seems plausible, and it may even in some degree be correct. But such a state of things produces difficulties, which I fear have either been overlooked or not duly estimated. In times of active commerce a considerable portion of bank paper is drawn to the interior of the country from the commercial towns by the farmers and planters, as the price of their produce, which returns gradually, and is again supplied by the same cause. But in our present situation, little paper can be kept in many parts of the interior, because the products of the country will not sell, or sell at diminished prices. Bank paper now gravitates to the seats of great public expenditure, and to those places where the balance of our internal trade centres, from whence it returns not in drops, but torrents calculated to overwhelm some banks, who, in a different state of the country, would have maintained their credit by a greater amount of paper outstanding. I have understood

that serious difficulties have already been experienced. One bank, I am credibly informed, of great credit and capital in New York, which loaned to the Government one million of dollars, has lately been drawn upon for a large sum which it could not immediately pay. These things will beget suspicion; and suspicion once generally current, the credit of the banks, the vital principle of their existence, must be greatly impaired, if not entirely destroyed. The large sums contributed by the banks to the former loans, connected with these circumstances, induce me to believe, that, in the present state of the country, they will not deem it prudent to go much further unless they dispose of their present stock; an operation which in the aggregate furnishes no new means. Indeed so far as respects the banks of the State, which the gentleman and myself in part represent, there is no doubt of the fact. During the late session of the Legislature, the president of the Bank of Virginia informed a committee of the House of Delegates, that the loans made to the General Government, and its ordinary demands, require the reimbursement, at the stipulated time, of \$350,000, which that bank had loaned to the State for one year. It is true that it has since re-loaned the same sum at seven per cent. interest, on condition of having its capital increased. The other bank also has loaned to the State a further sum of \$400,000 at the same interest. But I hesitate not to assert that they have gone to the utmost limits permitted by prudence.

The honorable gentleman, in the course of his remarks, assumed a position in my opinion not only new, but extraordinary. He attempted to establish, by referring to authority, that forty-seven millions was the greatest amount of circulating medium requisite for the purposes of any community not exceeding ours in population. He estimated the circulation of this country at one hundred millions, and thence inferred that there is a surplus of fifty-three millions, which could be loaned to the Government.

I have attempted to show that the gentleman is much mistaken in the amount of the circulation; but if that was even correct, his conclusion is totally irreconcilable with any idea I have on the subject. That the utmost wants of the country cannot require more than a given sum, and yet that more than double that sum be actually employed is beyond my comprehension. The circulating medium of a country is the representative of property, and can represent but such portion as periodically becomes the subject of exchange; and though it may fall short of that, it cannot go beyond it. It does not much affect the stock or capital of the community. Even large additions of the precious metals do not increase the wealth of a nation; because something equivalent in value must be given for it. A person who sells a horse for one hundred dollars in specie, is not made the richer by the sale; he has got something in exchange which may enable him to divide the value of his property, so as more conveniently to suit his purposes. An excess

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of circulating medium cannot long continue (if it ever can exist.) If it consists in specie, it will find its way to a place of scarcity; if of paper, it will return to the place of its emission or depreciate. A full circulation gives activity and promptitude to the intercourse of society. And a scarcity tends to embarrass it by making credit necessary, so as to enable a given sum to take a large circuit passing from the hands of debtor to creditor, so that in its progress it may gradually effect what is promptly effected in the other case. These are the chief effects accruing from a profuse or scarce circulation.

The honorable gentleman also brought into view the amount of the annual profit, as well on the real and personal property, as on the money capital vested in commerce, bank stock, turnpikes, canals, insurances, &c. He, too, added the gross product of the labor of the community in all other branches of productive industry. His estimate, in the aggregate amounting to about two hundred and thirty-five millions of dollars, I am not disposed to question. I believe it rather below than above the true amount. But I cannot see how any result connected with the present question can follow. If we were deliberating on the propriety of imposing a tax or income, it would be very proper to inquire into the resources of individuals, without reference to any surplus, because it would constitute the basis of the tax, and regulate its product. But the present question can be influenced only, not by the amount of means created by the capital and labor of the community, but by the surplus which it can dispose of after providing for all its wants. An individual may possess considerable revenue, but he may have no annual surplus, beyond his own wants, fancied or real. Appearances in relation to communities are still more delusive; because the product of capital and industry is taken in the aggregate, which constitutes a very imposing amount, when in reality there is not a particle of surplus.

In the course of the remarks which I have submitted, I have attempted to establish that the ability of this country to support the system of loans, of which that now required constitutes a part, is not inferrible from any of the facts presented to us by the honorable chairman of the Committee of Ways and Means. I shall now attempt to show that no such ability does exist. That there is not among us a capital of any considerable amount that naturally belongs to such an object.

Capital, as it is generated by the productive occupations of a community, the principal branches of which are agriculture, commerce, and manufactures, so every addition to it, will generally seek employment in the particular branch from whence it sprung, until by progressive accumulation it shall have risen to an amount sufficiently extensive for all the purposes of the society; or until, in that particular department, an increase of capital shall not yield any (or very little) increase of profit. The periodical profits then will seek another direction. If there is any other pro-

ductive occupation which wants capital, and promises advantage, it will most naturally draw to it; and this process will continue until each branch of industry has a capital sufficient for every purpose. When the annual profit shall exceed the increase of capital necessary, and which can be employed profitably, then only can any considerable means arise, which without artificial impulses will be vested in Government securities. Then loans will (as they ought) consist of the profits of the industrious occupations, and not, as with us, of their capital.

In Great Britain, where the system of loans has been carried to a greater extent than in any other country of ancient or modern date, the capacity to borrow is only limited by the capacity to pay the interest. The reason is, that the profits of her commercial and manufacturing capital are greater than the natural means to extend their employment. All the commerce which her relations with the rest of the world permits, can be carried on, and all the fabrics that can be vend- ed can be manufactured, and a surplus annual profit remains for the use of the Government.

The existence of large surplus moneyed means is attended by circumstances which cannot be mistaken, and which are of themselves conclusive. The industrious occupations, which constitute particularly the sources of the wealth of the community, will be extended, flourishing, and in a state of the utmost improvement. The competition of capitalists in the market will reduce the interest of money very low. Internal improvements, such as turnpike roads, canals, aqueducts, and railways, will cover the face of the country; and you will see a tendency to expend money on objects which yield no immediate return, but serve as provisions for posterity. Compare these natural evidences with the real state of things among us. Our agriculture, though constituting the chief branch of domestic industry, and a great source of national wealth, in many parts of the Union is yet in a rude state. The legal interest of money is not only high, but three and four times the rate was not unusual in some of our commercial towns, when we had an active commerce. To the south of the Potomac, there are but one or two turnpike roads, that can be called such, and as to canals all in the country are not worthy of notice. Even the Chesapeake and Delaware Canal, so important, cannot be opened without public aid. Had the money capital of the country been as redundant as gentlemen suppose, that would not only have been long since effected, but the water communication between Lake Erie and the Hudson river would not at this day be a subject of speculation only. Of aqueducts and railways, we know nothing but the names.

The commercial capital of this country has, I admit, accumulated beyond example, and has become very considerable; but, I believe not much greater than our wants require. If it is sufficient for all our purposes in times of active foreign commerce, it is as much as I believe the fact will warrant. Though our prosperity between 1793

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and 1807 was uncommonly great, yet it ought to be recollected, that at the close of the Revolutionary war we had no commercial means. A great portion of our commerce was carried on by British capitalists, either through the agency of their factors or our own merchants. Supposing the capital requisite for our commerce then to amount to twenty millions, I think it may be safely said, that not more than one-fourth was really American. Admitting for a portion of the time the profits to have been thirty-three and a third per cent., instead of ten and fifteen, the usual mercantile profit, it could not have accumulated at this day to a sum much greater than is wanted.

Nothing marks more strongly the progressive increase of our commercial capital, and at the same time shows that it is not yet redundant, than the progress of the East India trade. For some years after the peace of 1783, the India goods consumed in this country came through the English market, because our merchants could not engage in a commerce, which, though profitable beyond that in which they were concerned, required a capital which they did not possess. Besides, a small capital requires promptitude in the returns of its profits, a tendency manifested in this country in almost everything, in which money is employed, and which a voyage to India does not permit. You accordingly see the first adventures in the direct trade to India, from the Eastern and Northern States, where capital first accumulated. It is but a few years since the first ship sailed from Baltimore, directly to the East Indies, and I believe none belongs to any port south of that place, engaged in that trade.

I have attempted to show that in ordinary times, when the enterprise and industry of our people are permitted to take their natural direction, there are very little disposable moneyed means in this country. I do not contend that there is not a money capital equal to your present wants, which may be withdrawn from its accustomed employment. That in fact is your only reliance; you must direct the commercial capital from its accustomed channel into your Treasury. And this is the tendency of your policy, whatever be its object. You destroy commerce to fill your loans. The honorable gentleman himself seems to be of that opinion. He has told us that it is the interest of the merchant to loan his money to the Government, because, when peace and commerce are restored, he will not only receive an enhanced price for his stock, but will be able to convert it again into commercial capital with the utmost facility; whereas, should he vest it in manufacturing employments, he would at the end of the war be subject to losses in the sale of his houses and machinery. Sir, gentlemen seem to be prepared at all points. When they want votes they address themselves to the manufacturer, and tell him and the nation that one of the most valuable effects of this war will be that it will make us independent of foreign manufactures—not independent during the war; but for all future times. When they want money they address themselves to the merchant,

and to allure him, he is informed, when peace returns commerce shall resume its former activity and former extent. I should like to be able to reconcile these contradictions. If we are to become independent of foreign manufactures, I wish to know what our foreign commerce will consist in. Are we to have what every rational man knows cannot exist for any time—an export, but no import trade? If foreign commerce is to resume its former extent, what becomes of your boasted independence and the manufacturer? The gentleman has told us. He will have to sell his buildings and machinery at a sacrifice.

When the honorable gentleman told us, that the merchant could, at the end of the war, sell with facility and profit the stock he had acquired by contributing to your loans, he ought to have informed us where the purchasers will come from. He has shown us that it will be the merchant's interest to sell, but he has failed to show whose interest it will be to purchase, or who will have the means to do so. Sir, one of these consequences will most unquestionably follow: The competition of stock in the market will very much depress it below its nominal value; or the merchant will be compelled to retain it; or it must be purchased with a foreign capital. The depression of the price of stock in the event of peace, if probable, will be anticipated, and those who have the means will either withhold them, or make their terms with an eye to that event. If the merchant shall be compelled, instead of employing the means his industry acquired in the useful and productive pursuits to which he has been accustomed, to remain an inactive drone, drawing his revenue from the Treasury, so much the worse for him and the community. Should he resume his commercial enterprise, without disposing of his stock, he must do it with a capital belonging to foreigners. He must commence his business anew, and all the inconveniences attending such an individual, and the community of which he is a member, necessarily follow. Should the stock at the end of the war fall into the hands of foreign capitalists, which is most probable, you become tributary to a foreign nation. The industry of this community will have to provide the revenue of persons not members of it, and which will be spent in another country. So long as it is inconsiderable it will not be materially felt. But should your course continue until the amount shall greatly increase, it will become a serious evil. The annuities will constitute a balance of trade against you equal to their amount, which must be provided for by an excess of exports, beyond the imports, or by a correspondent diminution in the imports; besides, the exchange, always regulated by the amount of the funds to be drawn away, will become unfavorable, by which an actual loss will be sustained.

To those who are not content to look to the present moment only, but who deem it their duty to cast their eyes over the whole extent embraced by your financial or rather borrowing system, it will be an object of some importance to know how long it can continue, admitting it practica-

ble for the moment. It is a matter beyond all doubt, that every loan subtracts from the money capital of the country employed in the industrious occupations, and is not supplied by the profit arising from its use. Indeed it would be preposterous to talk of the profit of such capital, when the greater portion of it is thrown out of employment. Admitting the gentleman's own positions, the whole disposable means will be exhausted in a very short period. Supposing even the whole commercial capital to be convertible to such purposes, a few more loans will bring gentlemen to the end of their means; what will be done then? They will themselves predict the consequences. They will tell you that ruin to the public credit and every possible calamity to the country await the refusal to provide the means now asked. And surely those evils will not be mitigated when a heavy accumulation of the public debt has been effected.

The principle which has been adopted to defray the expenditures by loans entirely, with our deficiency of the means necessary for such purposes, must accelerate the destruction of public credit, and bring you to the end of your resources in a little time. In no country that I know of, has the experiment ever been made to the same extent. In Great Britain, where a war of twenty years with the most colossal Power of modern days has compelled the Government to go greater lengths than ever was attempted in any other nation, we do not find any example to justify the proposition now before you. I believe no loan in that country, for the service of any one year, has extended beyond twenty-seven millions sterling. Her means to support such a system are beyond all comparison, when put in the scale against ours. Everything there manifests an abundant capital. Her commerce, her manufactures, her agriculture, exhibit appearances calculated to convince every one, that there are no means wanting to cherish them. Her internal improvements of every kind, show that these means have overflowed their natural channel, and the vast sums which have been loaned to the Government without diminishing in any degree the natural growth of these objects, show that the annual profits of capital there are sufficient to continue the ability to support the system to any extent. If the value of the property of the country is any criterion of the ability to provide these means, the comparison is equally unfavorable. I have lately seen the estimate of an author of some celebrity, who has written on the commerce of Europe, who estimates the whole property in Great Britain at about four thousand millions sterling, which is ten times greater in amount than the estimate of all the property in this country.

Hitherto, sir, I have restricted myself to the mere question of finance. But the subject embraces considerations of much greater importance. We are required to provide large pecuniary means, calculated to entail on the country heavy and lasting burdens. It is our right, therefore, and much more our solemn duty, to inquire what value, or practicable object is to be attained by

it. We are told it is the successful prosecution of the war, in which this country is now engaged.

I was originally opposed to the declaration of war, as a measure of extreme imprudence, calculated to add to the evils we complained of, without the hope of removing any. I did believe that we had sufficient cause of war, against both the great belligerents. I mean such cause as States have generally regarded as sufficient; such as Great Britain herself has often considered as ample provocation to justify hostilities. But I did not deem it either wise or just to ourselves, to imitate her example. Her history shows that she engaged in the war of the Spanish succession—that she deemed the disturbance of her subjects on the inhospitable Falkland Islands—their interruption in the fur trade at Nootka Sound, as sufficient cause of war. But it also shows the consequences to which her policy led. In the midst of the most abundant wealth, millions of her population are supported by public charity; many thousands rise in the morning without knowing where or how to obtain subsistence for the day, and many more are obliged to go supperless to bed. I conceived this Government was constituted to promote the happiness of our people, which ought to be its primary object. And I felt persuaded, that if we commenced the career which England had run, we should share the same consequences. The profligacy and corruption, the legitimate offspring of war, and its invariable attendants, are calculated to destroy that equality which is the soul of public happiness. The products of industry, instead of giving to labor its means of comfort and subsistence, are bestowed on the most worthless who have art enough to take advantage of the public misfortunes.

The period selected by the majority for this new experiment, seemed to me most unfortunate. On the other side of the Atlantic, the most tremendous revolution that the world ever witnessed had prostrated the independence and liberties of nations, and with them their commerce. From the head of the Venitian Gulf to the White Sea, the same gloomy prospect presented itself. Venice, once highly commercial, had not only lost her trade, but her Government, and had been degraded into a mere province. Geneva and the Tuscan State had shared the same destiny. France had no external commerce. Spain and Portugal were directing the whole of their energies and resources to save themselves from the yoke prepared for them. Holland, formerly the emporium of continental commerce and the seat of great wealth, was annihilated as a nation; and the Northern and Baltic States were groaning under the anti-commercial system of the Dictator of Europe. England alone remained independent and commercial. During the progress of these changes, our geographical situation and our neutrality secured to us not only the profitable trade of the British dominions, where our products had no competition in the market, but the remaining commerce of the Continent. We profited largely by the calamities which had befallen Europe.

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The unexampled state of the world, however, while it was the source of our prosperity, gave birth to measures on the part of the belligerents, calculated to affect our rights as a neutral nation. It could, in the nature of things, not be otherwise. Was it to be expected, when the independence of nations had fallen beneath the hand of power; when every principle of public law and national right had been prostrated by force in the Old World, that we should remain wholly unaffected by these causes? In the situation in which we stood, it became us to consult the maxims of true wisdom, and not hazard the great advantages which we actually enjoyed, by hopeless or at best doubtful efforts, to rid ourselves of evils comparatively inconsiderable. We had still great cause of consolation. We had the blessing of peace, which had been banished from every other country, and we had a commerce more extensive and profitable (interrupted, as it occasionally was, by the orders and decrees of the belligerents,) than it would have been had Europe remained in a state of tranquillity and peace.

The peaceful policy appeared to me to have still stronger claims to our support. I did not believe it probable in the then state of the world, that we should be able to remove the evils of which we complained. Such had been the extraordinary revolution of affairs, that there were in fact but two independent nations in Europe. The present ruler of France had prostrated many of the old Governments, and curtailed the dominion of others, so that the ancient equilibrium was destroyed, and all the military power of the Continent concentrated in his hands; a military power, such as perhaps had never been witnessed. England, the great object of his hatred, was protected against the first onset by her insular situation, which enabled her to preserve her attitude for the moment. But her ruin too was inevitable, unless she could erect a countervailing power of sufficient magnitude to protect her against the gigantic efforts of her enemy. She sought security in her maritime force, which she increased to an extent before unknown, by which she not only saved herself from conquest, but prostrated the whole naval power opposed to her, and became as sovereign on the ocean as her enemy was on land. In this situation of the world, I thought it a mammoth of folly for us to forego our peaceful advantages and enter into a war to enforce respect for neutral rights, which it was the interest of both the belligerents to disregard. Our true policy required that we should (without relinquishing any right) make the most of things we could not alter, and to look to the restoration of independent sovereign communities of Europe, equally interested with ourselves, as the only probable means to re-establish a respect for the rights of nations. Such an event would have made war unnecessary, because it would have removed the source of our complaints. It will lessen, whenever it shall happen, the apprehension of England for her safety, and with it her naval power, the instrument of her protection. Should such change not have been deemed probable, there

were considerations sufficiently urgent to have prevented us from throwing ourselves into the scale of either of the two great belligerents arrayed in deadly hostility against each other. If we were not blind, we ought to have avoided the gulf which had swallowed up every nation who approached it.

These were some of the reasons which influenced me to oppose the war before and at the time it was declared. I then understood the primary cause of that measure to be the Orders in Council. It never once entered into my imagination, that impressions were considered as originally justifying hostilities, or to require a perseverance in them, after every other cause was removed. The silence of the Government on this subject for years before, forbade such an opinion. I, indeed, occasionally heard in this House the sufferings of our seamen in "the floating dungeons of England" described in eloquent and pathetic language; but I always considered it merely as a rhetorical flourish, intended to embellish a speech. I sometimes, too, saw in the columns of certain newspapers the magical number 6257 displayed in large figures, as the number of our impressed seamen; but I did not suppose that any grave statesman who had access to better information, could either believe it or be influenced by the inflammatory matter generally subjoined. But, it seems I was mistaken. Though the Orders in Council have long since been removed, the war has been continued and is to be persevered in, as is avowed, until Great Britain shall relinquish the practice of taking even her own seamen from our merchant vessels; or, in other words, until she shall consent that the flag shall protect all who sail under it. I cannot consent to subject the country to the many certain evils that will attend the continuance of the war on any such principles, because I believe the claim set up by the Administration extends beyond what our interest requires and propriety warrants; and because I cannot see that we shall be able by force to compel Great Britain to assent to our demand.

Sir, I should be wanting in candor were I to assert that no inconveniences have been experienced by our citizens from the practice of impressment on board our vessels; though I believe them to have been greatly magnified. It is, like every other power, subject to great abuses in the execution. There are, besides, causes resulting from our situation and language, which, during a part of the present war, rendered the best efforts of the officers intrusted with the power not to violate our rights, sometimes abortive. The extent and prosperity of our commerce, and the pressure of the war on England, induced many of her sea-faring subjects to leave her service, public and private, and seek easier employment and better wages on board of our ships, where they were much wanted, and to which they were often allured by the cupidity of our people. The Government of Great Britain, conceiving their aid necessary in the defence of their native country, instructed the officers of her Navy to reclaim them whenever found on board neutral private vessels

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The identity of language and manners, however, rendered it often difficult to distinguish between them and our native citizens, and without any improper design, the latter were sometimes taken. The difficulty, too, was of itself calculated to encourage abuses. But, could the inconveniences, and even abuses, to which we were subjected, warrant the demand to abandon the practice, if it was well founded? All we could require was security for our own seamen, leaving to Great Britain the service of her subjects. Some remedy, calculated to secure both, ought to have been attempted by friendly negotiation, instead of insisting on a principle which, though it may effect our convenience, leaves the interest of others to be sacrificed. Justice would be satisfied with a remedy commensurate with the evil. What would be thought of the demand of a neutral to be exempt from search in all cases, because the cruisers of a belligerent, under the pretence of searching for enemy's property and contraband of war, committed depredations on the property of her citizens? or, that the belligerent should abstain from taking enemies in arms from her ships, because, under color of that right, some of her own people were carried into captivity?

I shall not on this occasion enter into an examination of the principles on which the practice of Great Britain thus to reclaim her subjects is founded, or how far intrinsically it does or does not constitute a right belonging to every sovereign nation. It is enough for us to know that it is not of new origin, (as has been asserted by some gentlemen,) but that it has been exercised for more than a century, not only by her, but many other maritime nations, as was most clearly shown in a former debate in this House by the production of the orders of the British Admiralty and the marine ordinances of other European States. It is certainly too early for us to attempt to expunge from the practice of nations a principle in which all others have hitherto acquiesced.

There is a principle connected with this subject for which the Administration contends, which shows that the security of our native seamen is not their only object, but that their policy extends to the protection of British subjects against the reclamation of their native sovereign from our merchant vessels. Indeed they have lately gone further than the principle originally assumed seemed to embrace. They have pledged themselves to protect those taken in arms against their country, even at the expense of the blood of our native citizens. Why this solicitude for the interest and safety of foreigners? Is our native population not competent for all the purposes of national happiness? Is the world to be told that we cannot sustain the contest with our enemy, without arraying against him his own subjects and protecting them in treason? I think not so meanly of my country. I believe the period has arrived when we ought to rely, at least so far as respects all political and external purposes, on our own native population. I would not withdraw from foreigners the privilege of seeking among us an asylum from the poverty or tyranny of their own country. I

would ever bestow on them every civil right enjoyed by natives, and within our territory extend to them protection against every Power on earth. But I would let it be distinctly understood, that when they left our soil, their right to that protection should cease. I would not permit them to embroil us with any foreign Power claiming their allegiance after they had left our shores. I would go further; I would not permit those who should hereafter emigrate to our country, to meddle with the concerns of Government in any manner whatever. It is not in the nature of things, that those whose habits and opinions in early life, have been formed for an opposite state of things, should know how to use or appreciate the rights and duties of a citizen who possesses a portion of the political power of his country. I know such a regulation would exclude some valuable men, but it would exclude also a mass of corruption and ignorance dangerous to the purity of our institutions. With respect to this system of retaliation, to which the Administration have pledged themselves, be the blood that shall flow on their own heads. I would not voluntarily shed one single drop of native American blood for all the foreign population we have acquired for the last fifteen years, or which we shall acquire for a century.

But the principle has been advanced and very generally supported, that we stand pledged to those who have been naturalized under our laws, to protect them wherever they may think proper to go, even against the claim of their native sovereign when within his jurisdiction; to whom it is said the duties of allegiance are to all intents and purposes dissolved by the process of naturalization. This opinion, like many other doctrines of the day, is not pretended to be supported by reasoning drawn from the nature of Government, or the rights and duties resulting from a state of society; but some fanciful theories, some abstract notions about the laws of nature, are presented to us as its basis. It is said that Congress are authorized to establish a uniform system of naturalization; that they have by law prescribed the requisites to which foreigners must conform, and when they do so (as there is no limitation) they become citizens to every possible extent. This is plausible, but not the less incorrect. The error consists in misconceiving the nature and effect of municipal law. The Convention who framed, and the people who adopted the Constitution, did certainly not conceive the absurdity that they could invest Congress with the power of making laws which should operate beyond our jurisdiction. They granted the power to pass laws for the naturalization of foreigners, to have the effect of other municipal laws, confined in their operation to the territorial jurisdiction of the country, where we are sovereign. When a foreigner therefore is naturalized, he becomes entitled to the benefits and subject to the duties, which municipal law can bestow in the one case, and exact in the other; but nothing more. To contend that municipal laws can have an ex-territorial effect, is to contend that one nation can repeal

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the laws of another and interpolate its own regulations into the principles of public law.

The doctrine of original native allegiance which cannot be abandoned but with the consent of the sovereign, to whom it is due, which is the law of Great Britain, and most other European States, is founded on the same principles. The rights and duties which it embraces, are the offspring of municipal law. The claim upon the subject's allegiance, can only be enforced where the sovereign has jurisdiction. This doctrine is not in conflict (even in theory) with the practice of naturalization. And when well understood, can produce no practical collisions. Thus, for instance, a British subject emigrates to this country, where he becomes naturalized. So long as he remains here he is entitled to the rights and subject to the duties of an American citizen, because he is within the protection of our laws, limited in their effect by the limits of our territory. But, when he returns to his native country or goes on the high seas, where for certain purposes and to a certain extent all nations have common jurisdiction, his original allegiance revives, or rather the means to make it operative are revived, and he is to every intent restored to the character of a British subject, because he is within the legitimate influence of the laws of the community of which he was first a member, and which had never absolved him from his duties. All conflicting obligations which he has contracted while here, are suspended until he returns.

It is contended, however, that the doctrine of perpetual allegiance violates the principles of natural law, which authorize every one to pursue his happiness where he deems it best attainable. To me it seems preposterous to talk about natural right, in connexion with this subject; for, if it proves anything, it proves that there is no allegiance due to any country; a man may go when and where he pleases; and, in relation to the community from which he emigrates, the moment he leaves them he may become their enemy; an absurdity which I am sure none will countenance. Allegiance is not known in the natural state; it has its origin in the institutions of society, and must, therefore, be exclusively a matter of social regulation; the object of which, in relation to every subject, is to restrict the conduct of individuals to such limits as the welfare of the community, in the opinion of those to whom the right to judge is confided, may require. The idea of natural right in opposition to the duties in a social state, is at war with all government. It is the natural right of the strong to redress his injuries by the exercise of his physical powers; but how preposterous would such a defence be where the personal rights of the weak were violated, even in the rudest society? There is, indeed, a principle of natural law connected with this subject, but which, instead of supporting the individual right claimed, is in direct hostility to it. I mean nature's first law, pervading all animated beings—the right of self-preservation. Every community has the unquestionable right to preserve and perpetuate itself. And the

means to effect it, as well as the time and manner of applying them, cannot be left to individual judgment, but the discretion of those in whom the sovereign power resides. Hence, it has the right to declare that no one shall abandon his native soil in times of great calamity, when the existence of the society is threatened by a powerful enemy, and when all the aid of its members is required to make a successful resistance: to declare that, though he may leave his native soil and pursue his happiness in foreign climes, he shall never be permitted to turn his arms against the country that gave him birth; or adopt any other regulation that may tend to preserve its security. Without this power, every community is at the mercy of another, who may hold out inducements to detach its members; and thus, by lessening the number on the one hand and increasing it on the other, ultimately subjugate and destroy it.

Sir, I do not only believe that, in a state of society, no such right of which I have spoken, claimed for individuals, does exist; but that it never ought or can exist consistent with the principles of sound morality. Godwin laid it down as a principle of political justice, that a child was under no duty of gratitude to its parents. That the anxiety attending its childhood, the cares of its infancy, the trouble and expense of rearing it into active life, imposed no moral obligation which required any return. Hence it follows, that the son might, without violating any duty, desert his aged parents, surrounded with poverty and distress, to be provided for by the charity of others. Of the same character do the opinions appears to me, which are now afloat, that a man is under no obligation of gratitude to his native country; that he may abandon it in the hour of danger, and leave to diminished numbers the perils and evils of defending it against a powerful and ruthless enemy; nay, that he may even return in their ranks to assist in its destruction, and stain his native soil with the blood of his parents and kindred. These anti-social opinions may suit present purposes, but they are revolting to my nature. I cannot and never will subscribe to them, or assist in giving them any countenance.

There was a period in our history but recently past, when this doctrine might have recoiled upon us, and covered this country with irretrievable ruin. We have seen, in our day, on the continent of Europe, a military power arise, such as the world never witnessed, which had prostrated everything within its reach, and was grasping at everything that yet bore the name of independence. England alone maintained her erect attitude. Her naval power constituted the only remaining barrier to universal dominion; for Russia, though not conquered, had, at one time, been compelled to bow to the wishes of her's and the world's enemy. Those who had paid any attention to the progress of events, and the character of that gigantic ambition which manifested itself in the person of him, who seemed to have drawn within his grasp the power of Europe, could have very little doubt that nothing short of

the government of the world would satisfy his wishes. I confess, for myself, that I was not without serious apprehension for the fate of my own country, when I saw such an accumulation of power in the hands of one individual, particularly at the period when he was passing the Niemen, at the head of the most powerful and best appointed armies of modern times, to give the death-blow to the independence of Russia. Suppose he had succeeded, and the accumulated pressure on England, whose manly resistance had aroused all the malignant feelings of his nature, and whose destruction was the first object of his heart, had been forced to yield. What would have been our situation? We should have been compelled to have recourse to that love of native country which seems to be considered as no virtue, at least no duty, to save us from subjugation; or, voluntarily, submit to the yoke. Suppose, while his legions were collecting on the other side of the Atlantic to embark on our shores, but before actual war existed, a portion of our population, in expectation of what was to follow, should have thought it better "to seek their happiness" elsewhere, than remain subject to the dangers of our situation and the privations and inconveniences attending a manly struggle, and should have attempted to leave their country at such a period of difficulty. Where is the American who can say, who dare utter the sentiment, that it was a natural right, and that they must be permitted thus to desert their native soil in the hour of calamity? Suppose a portion of them thought it proper to unite with the enemy before his attempt upon us was known, and return in his ranks and give every aid to his efforts to subjugate the country of their birth, the land of their fathers. Where is the man who would have the presumption to pronounce such conduct innocent? And yet the principle adopted by the Administration and supported in this House, goes to the full extent of justifying such treasonable acts towards another nation committed by its subjects.

I have heard it said, that though every Government has the right to prevent the emigration of the people, yet, if it permits them to leave its territory, they become completely absolved from every duty towards it, for all future times, because with its assent they are placed in situations where it is possible obligations would be created conflicting with every pre-existing claim. And, therefore, that the permission to leave the soil is an act on the part of the sovereign which, though restricted and conditional in terms, is in effect an absolute renunciation of the claim of allegiance. There is not even plausibility in this idea, and certainly no nation in any period of the world ever countenanced it by its practice. That the sovereign should have the right to prevent emigration entirely and not to define the objects for which the subject may emigrate, or to prescribe conditions, is not supported by any correct principle. The power to interdict an act includes necessarily the power to regulate it, and prescribe such limits as are deemed necessary. It seems

to me a strange position, that when a person is permitted to leave his own country for a particular temporary purpose, it should be converted into a right, not only to go where his inclination leads him, and return divested of every duty, but to return as a public enemy. The sovereign authority of a country may not deem it necessary to restrict its people to their native soil, but permit them to pursue their interest in foreign climates; but is it reasonable or just to construe this act of lenity into a license to associate themselves with those who make war upon it, without committing any offence? Surely not. Should conflicting duties be created by a person thus permitted to emigrate, it is not the fault of his native sovereign, but his own, and, therefore, the act must be at his peril. There are, however, few, if any, cases where they could arise. Because the party abroad, in merely rendering obedience to the laws of the country where he is resident, is discharging the duties of local allegiance, which by the public law of nations every one owes to the sovereign in whose dominions he resides. A British subject here before the war, therefore, may be required to defend this country against British forces, and his doing so will not subject him to any punishment if he should fall into their hands, because the act is not voluntary.

Those who have precipitated us into our present unfortunate and ruinous situation, demand of us to yield the means which they shall prescribe, as necessary to insure a vigorous and successful prosecution of the war, the only hope, as they say, of a speedy and honorable peace, the professed object of all. When we inquire how all this is to be effected, we are answered, that the means asked will enable them to subdue Canada, and everything else will follow. And this infatuation increases as experience unfolds its want of wisdom. Sir, could I believe that your efforts could secure such a result, much as I deprecate the evils which inevitably will attend the continuance of the war, I would give you all the aid in my power. To obtain peace, honorable peace, for this bleeding country, I will make almost any sacrifice. But I cannot yield my own opinions to the promises of gentlemen, particularly when every day's occurrences prove their correctness; while they prove the mistake, want of foresight, or want of wisdom, on the part of those who set up this high claim to our confidence. In one object I will unite with them—in the defence of our country. I shall not inquire by whose temerity the enemy has been brought to our doors; or whose imprudence has invited hostility on our soil. Nor shall I consider either the expense, or the consequences of making every effort, when the occasion shall require resistance. I shall grant the means, so far as depends on me, to the utmost ability of the country. But as it respects the operations in the territory of the enemy, I must be permitted to consider them not as dictated by imperious necessity, but a subject on which the exercise of a sound discretion is admissible.

What is the prospect which gentlemen have

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it in their power to present to our view, to afford us any hope that they will be able to obtain their object? Is there anything in the past which is calculated to encourage a perseverance in the course they have commenced? Turn your eyes to the events of the two campaigns which have been wasted since the declaration of war to obtain possession of the Canadas, at the expense of incalculable sums of money and many lives, and see whether you can discover anything that would justify those who are not committed to abandon their opinions. It is true that just before your troops retired into winter quarters last November, the movements of your armies and the promises of the friends of Administration excited expectations in the public mind that before the end of the campaign the British power in both provinces would be prostrate, and the whole (except Quebec) in your possession; but it is equally true that your troops were compelled to leave the enemy's territories with diminished number, without accomplishing any single object. You were told too, (after every hope had been blasted,) in this place, by the Chief Magistrate of the nation, that our arms had been successful, "both on the land and on the water." But in a few weeks thereafter you had the distressing intelligence, that the small remnant of your forces between the Lakes were driven from their position at Fort George, and that the whole Niagara frontier, for many miles into the country, was laid waste by a merciless and victorious enemy, who, exasperated by the vindictive and cruel acts of your commander, had executed vengeance on the innocent women and children, who could not fly in the inclement season of winter to a place of safety. Thus, in one month after the campaign was closed on your part, all the advantages you had gained during its whole progress, and much more, were lost. You have, it is true, above Lake Erie, some stragglers who maintain nominal possession of the country for you, but I venture to say that if they do not retire they will be in captivity before Spring, and I should not be surprised if the whole Michigan Territory should again fall into the hands of your enemy.

These were the consequences of your offensive operations in Canada, at a period when circumstances existed which may be considered highly advantageous to your efforts. I believe it most unquestionably true, that the Government of Great Britain did not entertain any serious apprehensions that you would resort to war, and of course no preparations suited to such an emergency were made, while, on the other hand, you had determined on that event for months before it was declared, and put your preparations in a state of progression. The declaration of war produced an ardor which excited many at first into service, which vanishes when the novelty wears away, and is already languishing. Besides, pressed as your enemy hitherto has been, by the great European contest, particularly the war in the Peninsula, his means of defence and annoyance so far as you are concerned must necessarily have been less, than if all his resources could have been di-

rected against you alone. The events which have lately taken place on the other side of the Atlantic have changed the aspect of affairs so essentially, that it is not unreasonable to suppose that Great Britain will think of the security of her provinces, the immediate object of your hostilities, by adding to the means of their defence, and thereby increase the difficulties which hitherto have been sufficient to render abortive every effort you have made.

Sir, if you are not incapable of profiting by experience, the occurrences since the war ought to convince you that our soil is not favorable to the production of materials for conquest and military power. The enviable equality of our situation; the general happiness of our people; and the reward which honest industry everywhere receives, leaves but a small portion of your population to fill the ranks of your armies. Few if any, in ordinary times, are driven into them by necessity. Who is there that regards it? Is there any one who has any claim to be ranked among the friends of the country, who would exchange these blessings for all the military power ever possessed by any nation, with its invariable concomitants, poverty and slavery? I venture to say there is not. When I took occasion two years ago to state it as my conviction, that the sons of our farmers and other respectable young men would not enter the ranks of your army, the sentiment met with general disapprobation on the other side of the House, as degrading to the patriotism of the country. Patriotism at that day was to effect everything; it seemed to be thought necessary rather to repress than to excite it! How much have gentlemen been mistaken! Experience has shown them ignorant of the first principles of political science—ignorant of the character and situation of the people whose interests are committed to their hands. Scarcely had the first moments of the war passed away, before gentlemen found that patriotism alone would not fill your ranks, but that it must be stimulated by interest. They then added considerably to the bounty and pay of the army, as a means to effect their purpose; of the success of which they had not the smallest doubt. But the failure of the last campaign proved them again mistaken. They have now directed themselves entirely to the cupidity of your people, who are to be allured into your army by the enormous bounty lately authorized, of one hundred and twenty-four dollars, and one hundred and sixty acres of land to each recruit. Even that will not do. It is necessary in order to secure this object so near the hearts of gentlemen—(an army sufficient to subdue Canada,) to throw a portion of the laborious classes out of their accustomed employments, so that necessity shall bring about what cupidity cannot effect. Sir, about the period of the declaration of war, I saw a paragraph in a leading print devoted to the Administration, recommending to Congress the adoption of measures calculated to create distress among the people, as a measure indispensable to fill the Army. The profligacy of the sentiment impressed me with horror and indignation. I did not however

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believe it possible, that it ever could receive any countenance from those whose duty it was to ward off calamity and secure general happiness. Nor do I now pretend to say that gentlemen have acted in obedience to this recommendation; or that they have been stimulated by such motives in the pursuit of their policy. I hope no man is so corrupt. But the fact is, that such a state of things does now exist. All seafaring persons, and the poorer classes in the commercial towns, immediately dependent on commerce, are placed in a situation where their industry no longer can secure them bread. And to save themselves and their families from starving, or subsisting on charity, they are compelled to enter your armies. To every mind not bent on the pursuit of its object, without reflection, these things will afford strong admonitions, at least to pause. Who can remain under the delusion of conquest and military glory, with such facts before his eyes? Or who can deem the objects in contest worthy the sacrifices demanded? No nation can long continue a conflict with such enormous expenditures as you encounter. Your measures, instead of displaying your strength, exhibit your weakness, and tend rather to encourage than to dismay your enemy, because he must know that they cannot last long.

Suppose, however, at the expense of the immense sacrifices you are making, you shall be enabled to overrun the enemy's provinces and ultimately subdue them: what then? Are you certain that you will thereby secure the object of this war; or obtain something equivalent? If the principle, the relinquishment of which you demand, is so important to Great Britain as to justify her in maintaining it at the expense of a war into which it is evident she entered reluctantly, is it to be expected that she will barter it for Canada? That she will yield a great maritime right (as she estimates it) for the restoration of a colony which hitherto has been of little value to her? But, with the well known pride of that nation, is it reasonable to suppose that she will permit you to sever her Empire without making the greatest efforts to regain possession of the conquered part—particularly with the unanimity of her councils and her people, which supports her in this war? She will make those efforts. She will do more. She will harass our extended and unprotected coast with increased activity. Should she be relieved from the pressure of her European war, as appears probable, her naval power and her liberated land forces drawn from other services will give sufficient employment to all your means, and by protracted efforts, if not by immediate force, she will teach you, even in Canada, that you are engaged in an "unprofitable contest," and thus render you disposed to abandon the field of conquest after you had been fully in possession of it.

This war has certainly been attended with some very extraordinary appearances, and the consequences, should it continue, will be still more extraordinary. It has been waged for the freedom of commerce; and scarcely were we on

the threshold when all commerce, if not annihilated, was entirely suspended and your ships chained to the wharves. The security of your seamen on the high seas was made another great object. They are now interdicted the ocean and turned on the land. In a few years your ships will be rotten or eaten by the worms; your commercial capital will have sought other employment; your seamen will have gone into foreign service, or turned landmen; so that by one mighty effort of wisdom the ruin of your commerce is converted into a mean to secure its freedom; and driving your seamen from the ocean, or out of the service, seems an appropriate remedy for the protection of their rights. Thus, at the end of the war, the freedom of our commerce and the security of our seamen will have become mere abstract propositions. With such prospects, I cannot give my aid to support the war offensively for a single moment. I will not co-operate in measures pregnant with such consequences.

An honorable member from South Carolina, (Mr. CALHOUN,) however, has told us, that this war on our part is defensive, and therefore, that the minority are bound by their own principles to support it. To come at this novel conclusion, he has referred to the causes which provoked it, and insisted that, as it was waged in defence of our just rights, its character was therefore defensive. This argument, if it is entitled to the name, proves that in this war both parties are on the defensive, because Great Britain asserts that the defence of her maritime rights and of her territories compels her to resist your claims and your hostilities; and she certainly has as much right to give character to her acts and motives as you have to characterize yours. The gentleman's doctrine, if true, goes still further. It proves that no civilized nation ever did wage offensive war. Examine the pages of history, and show me an instance where the most unprovoked hostilities were not attended with some justification. To redress some past injury; to enforce some unquestionable right; to obviate some expected evil; are the State pretexts that have in all times been employed to give color to unjust attacks. When the King of Prussia, in 1756, in the midst of profound peace, entered Saxony with an immense army, he acted, as he asserted, from motives of self-defence, to defeat the designs of his enemies. The unprincipled partition of Poland in 1772 was justified in an elaborate manifesto, issued by the Powers concerned, on the ground that the dissensions and disorders in that country threatened the repose of Europe, particularly of the neighboring nations, and that the measure adopted was indispensable, not only to restore general tranquillity, but to preserve their dominions from the effects of those disorders. The cause avowed by the great Napoleon to justify hostilities against Russia, about the time we commenced ours against her ally, according to the honorable member, converted the most arrogant attempt upon the sovereignty of the nation into justifiable and defensive war. What could be more imposing and better calculated to justify such an act

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than the object pretended—of rescuing Europe from the commercial shackles with which England fettered it? He, like the supporters of this war, fought in defence of the rights of commerce and seamen, if you take his word for it. Sir, the character of a war, according to the received opinions of all writers, is offensive on the part of the nation who authorizes the first unequivocal and professed act of war, whatever the provocation or motive may be. It may be just or unjust, but still it is offensive war. We authorized the first acts of hostility; the war, therefore, is offensive on our part, though in relation to our enemy it may be just.

Gentlemen in the majority have, on every occasion, not only bestowed censure on the conduct of the minority, but have attributed to their opposition the failure of all their measures. Sir, what has been the character and effect of the Opposition, of which we hear so much, and which is loaded with so much opprobrium? Has it in any instance driven you from your object? Has the adoption of any measure connected with your policy been defeated by it? Have you not at your command the sword and the purse of this nation, in the use of which according to your own will you cannot be controlled? Or do we not render a Constitutional obedience to all your laws? How then can our opposition be stigmatized either as improper or injurious? In what does it really consist? In nothing more than in the expression of our sentiments, as the representatives of a portion of the people, on the great questions in which their present and future welfare is deeply involved. This is the sum of our opposition on this floor. And who is there that dare pronounce the exercise of this right improper? For myself, like my honorable friend from New Hampshire, (Mr. WEBSTER,) the more it shall be denied me, the more determined I shall be to exercise and maintain it. It shall, as far as I am concerned, not have the sanction which hereafter might be claimed from its abandonment. But why are the friends of Administration so sensitive on this subject? Have they anything to apprehend from our efforts thus restricted, if truth is on their side? Those only who love darkness fear the light; or will they assert that the people are so destitute of discrimination, that they will mistake falsehood for truth, and sophistry for reason? They surely will not in the face of their own maxim, "that error is harmless when truth is left free to combat it," make any such assertion; or do gentlemen assume the bold ground, that though our statements are correct, and our reasoning just; yet, as they are calculated to weaken the efforts of the Government, it is improper that the people be informed of the state of their affairs, and of the tendency of public measures? Whatever may be privately thought, I am sure no public countenance will be given to such a sentiment.

An honorable member from South Carolina, (Mr. CALHOUN,) however, told us the other day, that though opposition in a free country is not only admissible, but sometimes salutary, yet

when it degenerates into faction it becomes dangerous to public liberty, and threatens the very existence of government; and he has referred us to the history of ancient and modern Republics for proof, that the factious spirit of opposition was the cause of their downfall. The gentleman is entirely mistaken. It was not the factious spirit of minorities that caused the overthrow of those Republics; it was the factious spirit of those who had the active power of government in their hands that proved fatal to them. It is that which is the most dangerous to the liberties of every country. I do not pretend to say that a spirit of faction (by which I understand a subserviency to sinister views, at the expense of every public duty) has not sometimes pervaded minorities; but I do say, that it has most generally been the offspring of the violent measures of majorities, and that it is less frequent, and less dangerous, with those who oppose than those who direct the course of public measures. A minority is a passive body; its importance, in a free government, is derived from the apparent or real abuses of the active power, and its operations are directed solely to the public sentiment. If they become violent and factious, it is generally because extraordinary means have been afforded, and extraordinary provocation given, by their adversaries. A majority, on the other hand, unite in themselves the whole sovereign authority, which they may exercise uncontrolled by public sentiment to every extent. And who is there, that understands the character of the human heart, who does not know that the temptations of power are often too strong to submit to the restraints of public interest and public duty? Those who "feel power forget right."

If we consult the history of past times, particularly of that country whose institutions we have in a great degree imitated, and whose character is not very unlike our own, we shall see the opinions here advanced strongly supported. We shall see that in England minorities, of whatever political description, have most generally supported principles friendly to popular rights, while majorities almost invariably have adopted measures calculated to strengthen their power and destroy their adversaries at the expense of civil liberty. I could present to you a long catalogue of examples; but lest I should tire your patience I will merely refer to one—the attainder of Sir John Fenwick in the reign of William III. It will be recollected that the Whigs had then the ascendancy in the councils of that country; men who, in the reign of James II. had opposed the arbitrary doctrines of the day—"passive obedience and non-resistance"—doctrines which have been revived in this country, and advocated in this House. They had not only opposed their votes and their opinions, but their arms to the measures of Government, and by their union and energy brought about the event, which has since been hailed as a "glorious revolution." Yet how did they act when flushed with power? In the case to which I referred, they attained the accused with treason on the ex parte affidavit of one wit-

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ness, and the hearsay evidence of two grand jurors, who recited what they heard another say, in the very teeth of the statute of Edward III, and in contempt of every principle which secured the liberty of the subject. And who opposed this arbitrary and execrable proceeding? The Tories; the very men who had supported the measures of the preceding reign to their fullest extent. This fact shows how consistently parties acted in that country; and it would be vain, indeed, to attempt to prove, by our political history, that the party who have succeeded to power here are more regardful of their professions. I have lived long enough to learn that there is no essential difference between political parties, except so far as individual virtue and talents go. They all act very much alike under like circumstances. Those who have the reins of government in their hands will abuse their power whenever they think they are firmly seated in the public confidence, and nothing but the vigilance of the people, which the opposition of a minority is calculated to keep alive, can save them from the profligacy and corruption to which it will naturally tend.

An honorable member from Tennessee (Mr. GRUNDY) seems to admit that temperate opposition on the floor is not improper; but he bestows severe reprehension on certain acts done out of this House, tending to defeat the measures of Administration. His fancy has created an offence which he calls moral treason, hitherto unknown to any code established to regulate the conduct of man. Though its name is known to every one, yet we are all ignorant how it is composed, or what is its essence. When we ask, does it consist in the violation of any law? we are answered that it does not. When we ask, whether disobedience to the dictates of conscience constitutes any ingredient? we receive the same answer. When we demand to know what it really is, the answer contains such refined, metaphysical reasoning, that we are still left to conjecture. This new-fangled, this sublimated offence, without body or soul, without any resting place on this earth, is conjured up by the gentleman whenever he rises in his place to address you.

The honorable member has disclaimed the merit of the original discovery, and very disinterestedly bestowed it on another. But I presume, if he is not the inventor he certainly has improved on the idea, and, according to the rules of the Patent Office, is entitled to a patent for his improvement, which will give him the exclusive enjoyment of all its benefits. He has referred us to Dr. Witherspoon as the original inventor, who, it seems, at the commencement of the Revolutionary contest, addressed his Scottish brethren in America, and exhorted them to aid in the cause of the Colonies against the mother country. To illustrate his idea of their duty in the then crisis, he supposes a vessel at sea in distress, which required the aid of all on board to bring her into a port of safety; he supposes a minority of the crew, not only to refuse any aid themselves, but counteracting, by everything in their power, the efforts of their companions; and he asks whether the majority

would, in such case, not throw them overboard, to save themselves from inevitable destruction? The gentleman's authority proves too much. If, as he supposes, our situation is like that of the crew in distress, why not go the full length of the remedy then applied, and throw the minority overboard? To this I have no doubt the gentleman would resort if he was not afraid. Perhaps there might be danger in the experiment. Sir, the authority cited has no kind of connexion with our present situation. Dr. Witherspoon applied his hypothetical case to the then state of the country. When we, as a portion of the British Empire, attempted forcibly to separate ourselves from the dominion of the parent State, the law of nature, which is the law of force, was the only rule for our conduct; hence, the majority had a right to resort to every means their physical power gave them to secure their object. But what is our situation now? We have a government to which all are parties, and by which the rights of all are secured. Among them is the right belonging to every one, to investigate public measures, and to speak of them as they may appear to merit, and this right extends to every possible act, short of meditated resistance to the law.

The honorable gentleman has lately stated some particular acts, which, in his opinion, amount to moral treason; such as persuading persons not to enlist in the army, or not to loan their money to the Government. I cannot see anything improper in this, unless the act involved a violation of some duty, which is dictated by conscience. For myself, though I should not conceive either act criminal, or immoral, I have never interposed my advice in any of the supposed cases. I have never advised any person not to enlist, because I do not recollect that any one, for whose welfare I felt much interested, ever wished to take such a step. Those who enlisted where I am acquainted, were generally persons who rendered a service to their neighborhood by leaving it. I have never persuaded any one not to lend his money, because my constituents (and the gentleman's) have no occasion for such advice—they have very little to lend.

Gentlemen in the majority have frequently invited us to an union of effort in the cause in which we are engaged; by which I understand that we are to abandon our opinions, though every day's experience proves their correctness, and subscribe to the infallibility of theirs, overwhelmed as they are with disappointments. Union in promoting our country's good is highly desirable, but union in accelerating its ruin is worse than any division. There are occasions when I would relinquish opinions not fully matured—there are others when I would yield them to the counsels of wisdom, to which experience had given a high sanction; but gentlemen will pardon me, when I declare that I have no confidence whatever in their counsels. Though as individuals I respect many of them, as honorable men and men of talents, yet I think their political views at war with the best interests of this nation. There is not one single prominent act of Administration connected

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with our foreign relations for some years past, which I do not believe fundamentally wrong. They have led us step by step into our present difficulties, while every new experiment was attended by new promises. For myself, therefore, had I any weight, I should deem it my duty to impede, rather than accelerate your progress in this downhill course of ruin.

Permit me to take a short review of the most prominent public transaction, since the commencement of our difficulties abroad. I will lead your attention no further back than to the period when the treaty negotiated by Messrs. Monroe and Pinkney with Great Britain was rejected by the President, because it always has appeared to me that that act was the foundation of all the evils which have since befallen the country. I do most sincerely believe that, had it been ratified, we should not only this day enjoy the blessings of peace, but have little, if any, cause of complaint against our present enemy. It had been negotiated under circumstances as favorable as any American could wish; circumstances which once passed might never return. Its provisions, though not such as they would have been had we had it in our power to dictate the terms, were more favorable than those of the treaty of 1794, which had received the sanction of Washington, and under which we so eminently prospered. They were "honorable and advantageous to the United States," in the opinion of our Ministers, now members of the Cabinet; but it was indignantly rejected by the President, and gentlemen who now constitute the majority approved of his conduct. It was supposed that the situation of Great Britain would compel her to submit to any terms the Administration should dictate; or, if she would not, it was better to have "no treaty." Gentlemen were mistaken in both. They could obtain no better terms, and the effect of having "no treaty" we now witness in the calamities of the country.

After gentlemen had foregone the advantages of negotiation, they set about to invent and apply their own remedies to cure the disorders of the body politic. The Embargo was the first that succeeded the rejection of the treaty. It was hailed by the Administration, its friends, as wonderfully efficacious, not only as a remedy but as a preservative. It was to coerce the belligerents (or rather Great Britain) into an abandonment of their injurious policy, and to preserve us from war. After the experiment had been made, sufficiently long to evince its preposterous absurdity, and to occasion loud complaints, in many parts of the Union, it was abandoned, and a commercial non-intercourse with the dominions of the two great belligerents substituted. This measure was adopted, not because a majority were convinced of the inefficacy of the embargo, but because the people would not bear it any longer. To this very day "all true believers" are firmly persuaded that it would have been effectual had it been continued or had it not been violated. This proves to me that they do not understand the character of a free Government. A free people will not long

submit to great privation, the necessity of which they cannot comprehend. And in a free Government, where the laws are necessarily mild, you cannot enforce regulations militating against the general habits and interests of the community without changing it in reality into a despotism. Napoleon could not execute his anti-commercial system among the people in Holland until he placed every individual under the control of military power. This is the only means which can execute an embargo in this country. And of this, it seems, the majority are convinced—as they have lately adopted it themselves.

After the non-intercourse had been in operation long enough to subject our farmers and planters to at least ten millions of dollars loss in the sales of their produce, burdened with the expense of double freight and double insurances, I thought I saw a strong disposition in this House to get clear of it by some means. But it could not be abandoned, consistently with the policy which had been adopted, as long as the belligerent edicts continued, without substituting something in its stead. A substitute seemed with the majority to be indispensable. A substitute was the rage; but what it should be no person could tell. I recollect about that time, an honorable member from Virginia, (Mr. GUNLSON,) whose ardor and honesty in the cause I very much admire, in accents of despair exclaimed, What! no embargo! no non-intercourse! no substitute! As if the destinies of the nation hung upon one or the other. At length however, "a substitute" was brought into the House by an honorable member from North Carolina, (Mr. MACON,) of a very innocent and harmless character, afterwards baptized "Macon's Bill No. 1." By its provisions, the merchant vessels of Great Britain and France were to be excluded from our harbors entirely, but commercial intercourse in every other respect was permitted with those Powers. I was friendly to its passage; not because I believed it was calculated to coerce the belligerents or even induce Great Britain to retaliate, but I thought it well enough to throw into the hands of our own people the whole profits of carrying our products, as Great Britain had not been friendly towards us. As to France she was out of the question, as none of her ships visited our ports. But, above all other reasons, the conviction that the majority must have a "substitute," was the most cogent to influence me to support the bill. I feared that if they could not get that, which was perfectly harmless, they might adopt some other that would do mischief. It passed this House, but was unfortunately rejected in the Senate; I say unfortunately, because I believe it probable, had it become a law, we should have got clear of the restrictive system, and perhaps this day have been at peace.

After this bill was rejected, a new "substitute" was in demand. But what it would be, or what it ought to be, seemed to be the question. Ultimately some one, more sagacious than the rest (who it was I know not to this day) discovered that the only way was—to induce one of the belligerents to relinquish his injurious measures, by

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promises of resistance against the other should he continue his, and that other would follow his example; or, if he did not, you had then an opportunity of directing against him alone the whole force of your power, which the course marked out in the report of the Committee of Foreign Relations in 1808-9, forbid against either, as long as they both continued to injure you. A bill was reported, containing provisions calculated (as was supposed) to secure one of these objects, called Macon's Bill No. 2, which finally passed into a law on the 1st of May, 1810.

In the progress of the bill through this House its friends manifested great expectations. They seemed to believe that they had fallen upon a most fortunate expedient, calculated to obtain respect for our commercial rights, by exciting in the belligerents a spirit of emulation to precede each other in ceasing to injure us. The infatuation, for I can call it nothing else, pervaded the most intelligent who were friendly to the Administration. I recollect to have heard in conversation an honorable member from Massachusetts of considerable talents, then a member of this House, declare that the bill provided a certain remedy for the difficulties under which we then labored. I was astonished to hear him make such a declaration—because, it appeared to me, that every one who had paid any attention to the character and wishes of the French Government, could see in this measure the seeds of the evils of which such an abundant harvest has since fallen to our lot. It was the very measure which afforded full scope to the deception and chicanery of the French Cabinet to draw us from our neutral attitude, and such has been the effect. Scarcely had the act of the 1st May been received at Paris, when the toils were spread, and the Administration were caught. I wish I could believe they were unwillingly caught. The President, on the second of November, 1810, announced, on the authority of the letter of the Duke of Cadore of the 5th of August preceding, that the decrees of Berlin and Milan were revoked—an assertion, to say the best of it, which has never been supported by any proper evidence, and about which men differ according to their political opinions. The consequence was, that in relation to Great Britain the non-intercourse was put in force, and the ground of impartiality abandoned, to which the Administration had always professed rigidly to adhere.

But it was not to be expected that we should long remain in the situation in which that act placed us. It was the natural forerunner of stronger measures. As the fact had been asserted, that France had ceased to violate our rights, and Great Britain alone remained unjust; another step became indispensable, as soon as public opinion was ripe for it. Accordingly, at the commencement of the session, in November, 1811, the President recommended to us, "an armor and an attitude suited to the occasion;" and a large army was voted, under the impression, I believe, that Great Britain had counted on our pacific policy, in which it was necessary to un-

deceive her by warlike preparations, when she would do us justice. The war was ultimately declared. And we were flattered, with the most extravagant promises of its speedy and successful termination. As to the subjugation of Canada, that was almost too unimportant to detain gentlemen in their career of glory. I recollect an honorable member from South Carolina, (Mr. CALHOUN,) who the other day talked about the predictions of the minority having failed, then pledged himself that the greater portion of the country would be in our possession in six weeks after the war should be commenced. Some gentlemen even supposed that no efforts of ours were necessary; that the Canadians were panting for the glory of conquering themselves. Two campaigns are now wasted, and you are no nearer your object than when you began.

After this review of the measures of Administration, which gentlemen have uniformly supported, and which have progressively brought us into our present calamitous situation, I should like to know upon what principle they can set up their high claims to our confidence. Has any one of their measures succeeded? Have they been able to perform any of the promises so lavishly made? They rejected the Treaty of 1806 and promised you a better. They were mistaken. They resorted to the embargo, to coerce Great Britain, and to save you from war. Great Britain maintained her policy and laughed at your embargo, and you are now at war. They adopted the non-intercourse with equal effect. The act of May, 1810, was to relieve you from the injustice of both belligerents; it has brought you into a ruinous war with one, without obtaining justice from the other. The war finally was to secure everything. It has secured nothing—but, combined with the restrictive system, sacrificed everything. The whole system of measures in fact, from the beginning, has been a miserable patchwork of expedients, resorted to as occasion seemed to require, without any regular and liberal policy. For myself, therefore, I cannot unite with gentlemen, however much I may respect them as individuals, in a course which has led us into many evils, and which, in my opinion, if persisted in must terminate in ruin.

I hope I shall be indulged, on this occasion, to use the liberty which gentlemen on the other side frequently exercise. Permit me, also, in my turn to invite to union. An union, not to support measures, which every day's experience condemns; to continue a hopeless, disastrous, and ruinous war; to fasten on ourselves and posterity, a heavy load of burdens; to cherish the profligacy of those who riot on the public spoils. But an union to restore the general happiness. Let them come over to us, and with us travel the path that leads to peace and national prosperity, from which they have departed. Their policy stands condemned by universal experience; to ours it has given a high sanction. I repeat, therefore, unite with us, and restore peace to our country.

The Committee now rose.

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Virginia Contested Election—Loan Bill.

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FRIDAY, February 11.

Mr. MCKEE, from the Committee on the Public Lands, reported a bill supplementary to an act, entitled "An act for ascertaining the titles and claims to lands in that part of Louisiana which lies west of the river Mississippi and island of New Orleans;" which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. GROSVENOR, from the committee appointed on the petition of Henry Malcolm, made a detailed report, which was read, when Mr. G. reported a bill for the relief of Henry Malcolm, which was read twice, and committed to a committee of the Whole.

Mr. JENNINGS, from the committee appointed on the 5th instant, on the resolution of the Legislative Council of the Indiana Territory, made a report which was read; when Mr. J. reported a bill to establish the mode of laying off the Territory of Indiana into districts, for the election of members to the Legislative Council; which was read twice, and ordered to be engrossed for a third reading on Tuesday next.

Mr. FISK, of New York, from the committee appointed to inquire into the manner in which the Army has been supplied, and in which contracts have been executed, &c., reported that the committee had entered into the inquiry, but found their progress impeded by the want of evidence, which they were not at present authorized to require; and, therefore, moved that the committee be authorized to send for persons and papers.—Agreed to.

MR. BASSETT'S PETITION.

On motion of Mr. BAYLY, of Virginia, the House took up the report of the Committee of Elections on the petition of Burwell Bassett, contesting the right of THOMAS BAYLY to a seat in this House, as a representative from Virginia.

A motion was made, by Mr. GHOLSON, of Virginia, to lay the report on the table, on account of the absence of the petitioner. The motion was opposed by Mr. BAYLY and Mr. PICKERING, and negatived.

A motion was then made, by Mr. GHOLSON, to postpone the further consideration of the subject to Monday next. This motion was opposed by Mr. BAYLY, and Mr. PICKERING of Massachusetts, and was negatived. The House then proceeded to consider the report.

Mr. ALSTON, of North Carolina, renewed the motion to lay the report on the table, on the ground that, as it was affirmative, it required no confirmation by the House, any more than the general report of the Committee of Elections on the credentials of the members, which is made at the commencement of each Congress, and invariably ordered to lie on the table. This motion was negatived, 69 to 60.

A motion was then made, by Mr. RHEA, of Tennessee, to recommit the report to the Committee of Elections, for amendment. On this motion, as on all the others, a desultory discussion arose, not involving any question of princi-

ple. It was negatived by a very great majority; and the question was then taken on agreeing to the report of the Committee of Elections, and decided in the affirmative. Mr. BAYLY is, therefore, confirmed in his seat.

THE LOAN BILL.

The House went again into Committee of the Whole, on the bill authorizing a loan.

Mr. SHEFFEY, of Virginia, resumed the thread of his discourse against the bill, which was broken off by the adjournment of yesterday. His speech is given entire in preceding pages.

Mr. RHEA, of Tennessee, followed in a short speech in favor of the bill; when the Committee rose, reported progress, and obtained leave to sit again.

SATURDAY, February 12.

Mr. LATTIMORE presented a resolution of the Board of the Trustees of Jefferson College, in the Mississippi Territory, requesting the sanction of Congress to an act of the Legislature of said Territory, requesting the sanction of Congress to an act of the said Territory respecting escheats.—Referred to the Committee on the Judiciary.

Mr. LATTIMORE also presented a memorial of the House of Representatives of the Mississippi Territory, praying that the right of suffrage may be more extended in said Territory.—Referred to Mr. LATTIMORE, Mr. ROBERTSON, and Mr. BAYLIES.

Mr. LATTIMORE also presented a resolution of the House of Representatives of the Mississippi Territory, requesting that the number of Councillors for said Territory may be increased.—Referred to the committee last appointed.

Mr. HEMPSTEAD presented a resolution of the Legislature of the Territory of Missouri, requesting Congress to make some provision for the relief of those persons, in said Territory, who have suffered in their persons and property by the late earthquakes.—Referred to the Committee on the Public Lands.

Mr. TROUP, from the Committee on Military Affairs, reported a bill to authorize a detachment from the militia of the United States; which was read twice, and committed to a Committee of the Whole.

Mr. TROUP also reported a bill to continue in force an act to raise ten additional companies of rangers; which was read twice, and ordered to be engrossed, and read the third time on Monday next.

THE LOAN BILL.

The House again went into Committee of the Whole, on the bill to authorize a loan for the year 1814.

Mr. FINDLEY addressed the Chair as follows:

Mr. Chairman: I have voted for the declaration of war, and for the means necessary to carry it on, but have not heretofore on that subject accompanied my vote with my reasons for giving it, believing that such reasons had been given by others, as were self-evident; I now, however, claim the attention of the Committee to a few of

the reasons that determined me to vote for war, and the means of carrying it on with effect, and consequently to vote for filling the blank with twenty-five millions of dollars, as I design to do. This is the third declaration of war that I have lived to see, and I have read of many more, I believe of most that have been declared in Europe on the system that has been adopted for two centuries past; and I have observed but very few of them declared on grounds so perfectly justifiable as that in which we are now engaged.

I have, sir, heard one, if not more, respectable and honorable members, to give weight to their arguments in opposition to this war, mention that they themselves had learned their politics in the old school—the school of WASHINGTON. You, sir, I know, consider old men to be privileged to some extent to talk about themselves; this having been already admitted to others, I will make some use of the privilege, because this will be connected with my argument. I am, sir, now an old man. I have the frost of seventy years on my head. I am a scholar of the old school—of the school of WASHINGTON. I was elected a member of the first committee appointed to promote independence, in a very respectable and then very extensive old county of the same State that I have still the honor of representing in this House. I was employed in confidential stations to support it when declared. I risked my life oftener than once, in situations where several of my friends fell, to give it the support I thought it deserved. When the present Government was put in operation, and Gen. WASHINGTON was appointed President, I was consulted by him about the circumstances and defence of the Western country, before I had the honor of a seat in Congress; and, owing to particular circumstances, was more intimate with and more consulted by President WASHINGTON and the members of his Administration, than ever I have been by any succeeding one. Therefore I claim a right to be a disciple of that school, and perhaps the oldest one in this House. But it is proper to inquire, what was the doctrine taught in this school? This may be substantially found in the official documents of that period.

In President WASHINGTON's remonstrance, presented to the British Minister, he says, that the British Government had broken the definitive treaty before it was known in this country, and continued to break it after it was known.

That they continued to break it after it was known, we are taught to remember by very serious tokens; they continued to supply the savages, by whom they had desolated much of our country during the Revolutionary war, with every implement for distressing the most exposed part of our settlements. Kentucky was made the unceasing object of their attack, and even Pennsylvania did not escape. On the conclusion of the Revolutionary war, Congress found themselves possessed of as little power as means of providing for the general defence, and gave some reason to believe that they were not very zealously disposed to defend the Western frontier;

they seemed rather inclined always to consider the frontier settlers as the aggressors. This and other causes rendered it necessary, or at least prudent, for Gen. WASHINGTON to send a confidential agent (Mr. Innis) on this inquiry as part of his mission. He reported an amount of sufferings in Kentucky beyond what had been conceived, while their hands were bound up from even defending themselves by retaliation.

During the first Congress of WASHINGTON'S Presidency, and without any act of Congress for that purpose, he sent out an expedition against the hostile Indians, under the command of Col. Harmer, composed in part of the militia from Pennsylvania, Kentucky, &c. They were defeated, and besides other friends whom I valued, a young man, a near and dear relative of mine, was killed and scalped by the savages. The next season, Gen. St. Clair was sent out with an army provided by law; he was not only defeated, but his army destroyed. It was raised only with a view to subdue the Indians between the Ohio and the Lakes, but the savages from the deep recesses of the woods were brought to Detroit, still at that time in possession of the British, contrary to the express terms of the definitive treaty, and furnished with everything necessary for war, and sent against Gen. St. Clair. I recollect this the more perfectly, because, on the receipt of that information by the President, I was sent for by the Secretary of War, and informed of it; the Secretary lamented that the information came too late for the Government either to recall or reinforce General St. Clair. Government was, therefore, under the necessity of raising a large and more permanent army, which was put under the command of Gen. Wayne, and which, after four years, became eventually successful. Much more information might be given of the hostility of Britain against the United States during this period, but I will only detain you, sir, with one instance. A council of the Indian tribes was convened by Lord Dorchester, then Governor of Canada, in which he engaged to supply them, in behalf of Britain, with munitions of war, and encouraged them to proceed in war against the United States with an expectation of the co-operation of the British Government. This was first shown to me in confidence, but has been since published even in British prints. The British Minister was called upon to account for it. He gave no satisfactory answer; so, we are informed, Gov. Prevost, of Canada, has done when called on about the worse than savage depredations on the Chesapeake. After peace was made with the Indians, and Jay's treaty was ratified, President Adams informed Congress as early as 1797, of the British agents being employed in forming a confederation of all the Indian tribes against the United States, the truth of which has been severely verified.

Much has been said in opposition to the conquest of Canada; in almost every argument against the measures of Government, the attempt to make the acquisition has been denounced, as both unjust and unwise. This, sir, is not the doc-

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trine of the school of WASHINGTON, nor even of New England while colonies. It is well known that they, while colonies—principally Massachusetts—equipped and sent out a powerful armament at their own expense for the reduction of Canada, to commence with the taking of Quebec, under the command of their Governor. The winds and waves defeated them; many were lost by shipwreck; those who escaped returned home. It is remembered by many yet living and recorded in history, the very great assistance which the colonies, especially New England, contributed to aid Britain in conquering Canada from France during the seven years' war. In accomplishing this object, much American blood was shed.

When the aggression of Britain forced the colonies, though still acknowledging allegiance to the British Crown, to appeal to arms in defence of their rights, one of their earliest objects was the conquest of Canada. The approaches to it were secured, and the plan laid for its future reduction, before the declaration of independence was agreed on, and officers appointed and an army raised for the final conquest of Canada. In the Autumn following the declaration of independence, General Washington detached a division of his army under the command of General Arnold to co-operate with General Montgomery in the reduction of Quebec. The misfortunes that prevented the final success of that plan, are too well known to require to be repeated; but though the plan was at that time defeated, it was not relinquished. As soon as the French alliance was obtained, the plan was renewed by Congress. General Washington was consulted on the subject, and the Marquis de Lafayette went to France to negotiate for assistance to complete the conquest of Canada. He did not, however, succeed, and the object was from necessity relinquished.

It may be asked, what was the object of the New England colonies, and afterwards the United States, in being so solicitous for the conquest of Canada? Was it to acquire a greater extent of territory? No: it was solely as a defensive measure of the first importance; it was, as they express themselves, to secure their frontier settlements from being destroyed, and their people, without regard to age or sex, scalped and barbecued by a savage and ferocious foe, instigated and supplied with the munitions of barbarous destruction by the agents of a foreign nation whenever they thought proper. If this was a justifiable reason for the conquest of Canada in defensive war by offensive operations, when our settlements but in a few instances were extended to the sources of the Atlantic rivers, how much more justifiable and necessary it is now, when our people are increased to more than three times the number, and our settlements extended far and wide on all the Western rivers, as well as to the South?

Mr. Chairman, some of those who were opposed to the war, and every measure proposed for carrying it on to effect, denied that the Indians either provoked or commenced the war. Not designing to detain you long on this subject, I refer to the warning voice of President Adams to Congress,

in his speech to Congress sixteen years ago, to which I have alluded above, and to all the information since obtained by Government from the Indians themselves and our own agents, of the councils to which the Indians were called by the British agents, of the presents made to them, of arms, ammunition, and all other suitable goods, and as to the industry of their prophets, &c., in extending the confederation against the United States, and of the murders committed, and such rendezvous as have usually indicated the commencement of Indian war. Was the Government to look blindly on till our frontier settlements were desolated and the inhabitants murdered, without using any means of prevention? It was only by a preventive measure they did begin; they sent a commissioner, accompanied with a small army, to the principal Indian rendezvous to negotiate; they promised to negotiate the next day; but while the army lay in security, depending on the promise, they were attacked with the usual Indian ferocity in the night. Was the Government wrong in marching the army into their country? If they were in error, they learned it in the school of President Washington, who, during the first Congress, called on the militia of different States, the first call of militia under the Government, and who, with the only regiment of regulars then existing, were sent on a secret expedition to attack the Indian towns. Those Indians, I believe, were justly charged with committing murders and stealing horses in Kentucky, but not at that time in other States; on the late occasion murders had been committed, and horses stolen in different Territories, and endeavors used to induce them to desist. Before General Wayne's treaty the Indians refused to acknowledge the transfer of that Territory to the United States in full sovereignty; but in that treaty the sovereignty of the United States, as transferred by Britain, was fully acknowledged—the Indians retaining the right of soil, disposable to the United States only; therefore, the United States had an unquestionable right to march their troops wherever it was necessary in that Territory. It may possibly be recollected by some members, that when provision was made by law for raising several regiments in addition to the peace establishment in 1808, I advocated the measure, on the ground that a military force stationed in the Indian country was absolutely necessary to prevent an Indian war; and gave my opinion that a regiment or two, judiciously stationed, might prevent a war, and incalculable mischief and expense. Though the raising these regiments was strenuously opposed, and the recruiting stopped the next session, yet no member suggested that we had no right to keep a garrison in that country, or denied that the British agents were supplying the Indians with the munitions of war.

I have, sir, examined with some attention what has usually, by the civilized nations of Europe, been assigned as causes to justify war. In some of them I could only discover that the party assigning them only wished for an excuse to get to war; but that a nation, by its agents, exciting

war in a neighboring country, was an act of hostility, and a just cause of war against the aggressor, is agreed by all; yet the nation against whom the hostility is committed is the proper judge of the time and manner of correcting it. If there was any doubt of the hostilities committed by Britain, in exciting the savages and supplying them, it might be supposed that their so instantly incorporating them in their armies, and patronizing their savage barbarity in conducting the war, is a sufficient proof; therefore, I conclude that their exciting and supporting the savages in a war against the United States, was alone a justifiable cause of war, and renders the conquest of Canada not only expedient but a necessary defensive measure, and would alone justify the war; but it is not alone. I do not, however, design to detain the Committee with explaining all the causes of war that existed before it was declared. I design, principally, to confine myself to one other cause, viz: the impressment of our seamen, and on that I will chiefly confine myself to the question of expatriation, on which some extraordinary opinions have been advanced—opinions to which I seem to be personally called to pay attention.

But, sir, before I proceed further, I will take some notice of what an honorable member from Rhode Island (Mr. POTTER) expressed some days since, in vindication against the charge of factious opposition. He claimed the opposition made by the minority in 1798, as an example and justification of that opposition. The gentleman and myself were both in that Congress; I was one of the minority; a minority much more numerous in proportion to the majority than the present. The minority were opposed to engaging in hostilities with France, formally repealing the former treaty with that nation, without making further attempts at negotiation, as the door to this was still open; but when these acts had become laws, the minority did not oppose the means of carrying them into effect. I voted for the direct tax; I voted for the greatest number of ships that was moved to fill the blank, a greater number than carried; but I was opposed to leaving the number wholly to the President's discretion. The minority in the first Congress were zealously opposed to the assumption of the State debts, on other principles than those prescribed by the Confederation, and before they were liquidated and their amount known; and that party having become the majority in the second and two succeeding Congresses, they prevented the large additions to the assumption debt, recommended from the Treasury to the second Congress, from passing into a law, but rigidly preserved the National faith, by appropriating funds for the assumption which they had opposed, as well as for any other debt. The act assuming the State debt, after having been first rejected, was carried by a very small majority; but those who were then the minority acted on the Constitutional principle, that the vote of the majority, however small, gave validity to the measure, and morally obliged the minority and the citizens at large to carry it into

effect, if it was not in direct opposition to the Constitution. It is this principle that decides the character of opposition, and determines whether it is factious or not.

The honorable member from New York (Mr. GROSVENOR) a few days since asserted, and that repeatedly, that we were making war for the protection of traitors, and considered that as the exclusive, or at least the principal object of the present war. He asserted, that every emigrant that had not become a citizen, and who engaged in war against the country in which he drew his first breath, is a traitor, and he expressed great doubt, if even having become a citizen could free him from that charge; he at least considered it as a point not yet settled, and therefore illegal. The honorable member from Virginia (Mr. SNAREY) yesterday in an eloquent, but, on that point, a very metaphysical argument, asserted, that man was under a perpetual and indissoluble obligation to support the country in which he drew his first breath, &c. I will not follow the gentleman's metaphysical subtleties in proof of this assertion; I prefer common sense and common usage. Taking both the gentlemen's arguments together, I feel myself charged with being a traitor, and, if so, I am a pretty old one, and it is full time I should examine myself, for this is brought home as a case of conscience.

Mr. Chairman, I drew my first breath in the British European dominions, but have been in this country more than fifty years. As early as 1775 I served as a member of the committee elected to preserve order when the King had renounced the protection of the Colonies by dissolving their Legislatures, and to provide for the public defence, and also to prepare the way for independence; and when it was declared, though not in the regular army, I risked my life more frequently, and for longer periods, where many of my friends fell, or were taken prisoners, for its establishment, than any law required; I on more occasions than one volunteered my services in support of it, as several of my near relations have already done in the present war. Therefore, on the principles now advanced, I have long been, and yet am, at least a moral traitor of a high grade, and for which, if I cannot be punished in this world, I must account in another. I may, however, be answered, that we were all equally traitors at that period, being equally born subjects to the British King, but were morally justified by the justice of the cause. This answer, however, will not justify me on the principle of perpetual allegiance to the country in which I first drew my breath. I drew my first breath in Ireland, which then was, and continued to be, a component part of the British Empire; therefore, on the principles now advanced, I am still under a moral obligation of allegiance to that soil and Government. This was not the case with those who drew their first breath in the Colonies; they supported the allegiance to the soil in which they drew their first breath, and only became traitors to their King. Kings may be changed or die, but the soil where we drew our first breath continues

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unchangeable. Therefore, I was a traitor on another and much higher principle than the native colonists. I also took up arms and held official appointments of pretty high trust before I was a naturalized citizen. Indeed I never have been naturalized, except by the definitive treaty. It is true, that during the Revolutionary war, I, in common with the native colonists, took an oath to support the independence of the United States; this oath was prescribed by the State Legislatures, to distinguish between Whigs and Tories, a distinction then well known, that the latter might be double taxed, and deprived of political privileges. That old school of Washington did not admit advocates of British aggressions and traducers of their own Government to sit in the National Councils, nor enjoy political privileges, but they did admit many into their councils and armies who had not drawn their first breath in the Colonies, without any act of formal naturalization. Municipal laws for naturalization are introduced for the security of the State which enacts them, and not for the security of other nations; perhaps the United States is the only nation which has a standing general law for that purpose; Britain has none, yet admits to citizenship for a short time of service on the ocean. No nation is obliged to have such a law, yet all nations are obliged to treat strangers who come among them with hospitality as long as they permit them to stay, and to grant them protection, in return for which they are obliged to support the government and obey the laws; we oblige them to serve in the militia, constables' guards, &c.

Mr. Chairman, I really do not understand how happening to draw my first breath in a particular spot can bring me under a moral obligation of perpetual allegiance to that spot, under the penalty of being guilty of treason, which is allowed to be the highest crime a man can commit in society. I have been taught to believe that the law of nature, which is the law of nature's God, made it the duty of every man to consult and pursue his own happiness, and that this conduced to the general happiness. I have acted on this principle. The same supreme law also taught me that I could not be brought under a positive moral obligation but by a conscious act of my own will. Now, sir, I am not conscious of where or when I drew my first breath; my will was not consulted about it; it was not my voluntary act; I was wholly passive in that business. Therefore, no moral obligation can arise from it to bind my conscience to perpetual allegiance to that spot of earth. If this reasoning is correct, I conclude that I am not guilty of the high crime of treason; that I am not a traitor. About twenty years after the time I was told I had drawn my first breath, consulting my own happiness, I came to Pennsylvania, where I have resided for more than half a century. I have found that doing so conduced to my own happiness and the happiness of those with whom I am connected. I have a pretty numerous family of children and grandchildren, who, as far as they have grown up, bear true allegiance to the country of my choice, but

do not consider themselves as slaves to the soil on which they were born because they happened to draw their first breath in it.

I have said that this is the doctrine of the law of nature. I will add that it has been the practice of free and civilized nations of the world, as far back as we can trace their history. After God had created the human race, he commanded them to increase, and multiply, and replenish the earth, which he apportioned to the different original families; but they, or at least the majority of them, rebelled against this commandment, and erected a despotic government on the plains of Shinar, (Chaldea.) The first despotic Government of which we have any information, and the first national sin of which, we are informed in sacred history, was, like the opinion of the gentleman to whom I reply, refusing the right of expatriation. The Creator and Supreme Governor of the world said, "Disperse abroad, and replenish the earth." "No," says the Government of Shinar, "we have chosen a fertile and beautiful situation; we will compel you to stay to defend the Government, to which you owe a perpetual allegiance; we will establish here an universal empire; we will make ourselves a name, and an elevated tower, that we may not be scattered abroad." But God punished this despotism contrary to his law of nature, and, by confounding their language, laid them under the necessity of dispersing themselves abroad, and replenishing the earth in small colonies of emigrants, which laid the foundation of such numerous small nations as we observe in the time of Abraham.

The empire of Shinar, (Chaldea,) it appears, was soon dissolved, and we find, from the same record, the emigration was free in all the countries of the East for some ages; we do not find that they asked leave to emigrate from the country which they left, but they did request admittance into the country to which they came. Jacob and his sons requested permission to settle in Egypt; they were received and treated with hospitality; but, after they had increased in number, and all those who had been born before they came to Egypt were deceased, they proposed to emigrate to Asia, from whence their ancestors had come; but the King of Egypt, then became a despot, refused to permit them to remove. The ruin that this brought on that King, and the distress it brought on the nation, it is not necessary to repeat. After this period, emigration appears to have been freely admitted between Egypt, Phœnicia, Greece, &c., till, perhaps, it might have been interrupted by the rise of great empires, the scourges of the world; but it is well known that it was freely admitted by the civilized and free nations of Greece and Rome. They gloried in this as the test of their freedom and civilization. The moral law of nature, and the examples I have quoted, are the schools from which I have derived my principles on this subject, as well as from the school of Washington, who admitted every free emigrant into the Army, even without naturalization, if he was not

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a deserter from the enemy's camp. Such he would not trust.

There was, sir, however, an old school, which once prevailed all over Europe, and, unfortunately, yet prevails in Russia, Poland, and some parts of Germany—the school of feudal vassalage, on the principles of which, men, except some privileged orders under the designation of serfs, are considered as the trees that grow in the woods, and transferred with the soil, like the herbage it produces. When the Sovereign of Russia bestows a landed estate on a favorite, it is not limited by the number of acres, as with us, but by the number of souls it contains; and the same is the case with Poland, and several Sovereignities of Germany. This we know to our cost. They were sold in thousands to Britain, for whom these gentlemen are such zealous advocates, in order to destroy the Americans. Some of these despots, however, scorned to sell their people for that purpose, and refused the British money. Russia and Prussia did so. I have conversed with several respectable old Germans, who have informed me that they had to purchase their freedom from their Prince, and some have come away by stealth. I am acquainted with a very respectable manufacturing town (Harmony) in Pennsylvania, the inhabitants of which emigrated from Germany not very many years since, but had previously to purchase the right of emigration. To this school, and to it only, the gentleman's principles will apply. From other parts of Germany, from Holland, &c., emigration has been freely admitted; and none of these nations ever pretended to reclaim them again, even if they went off by stealth, either by land or sea, after they were out of their municipal jurisdiction.

The question, sir, wholly relates to Britain. No other free nation has ever set up such a monstrous claim as she does. I know the gentlemen in opposition assert that all the nations of Europe maintain the right of reclaiming their citizens who drew their first breath on their soil. This is a question of fact, and not of theory. They have not mentioned one instance of any nation doing it, except Britain, nor of her doing it, till within a few years past. I am confident they cannot do it; no, nor of Britain reclaiming them from any other nation but ours. Can they tell, sir, how much her army and navy would be thinned if other nations would reclaim all their citizens? In that event, the United States would come in for a large share of even native citizens.

The question of expatriation, in the present contest, derives its importance from the question of impressment. The Greeks and Romans considered violence done to one citizen as an act of hostility against the whole nation, and resented it accordingly. So did all nations, not even excepting the savage tribes. So did President Washington; so did President Adams, and every succeeding Administration, only they exercised longer forbearance than the ancient nations would have done.

As early as 1792, President Washington in his instructions to Mr. Pinckney, then our Minister

near the Court of London, mentions one instance of British impressment that had recently taken place, and instructs our Minister in remonstrating against that outrage to inform the British Court that it was such an act of hostility as, if persisted in, would certainly provoke retaliation; or, in other words, was clearly indicating, that it was a just cause of war in his opinion. He also objected to written protections as a test of citizenship, because our flag was the proper protection of all that sailed under it. When Jay's Treaty was made, this question with some others was postponed for further negotiation. Another Minister, Rufus King, was sent without delay, with positive instructions to renew the negotiation on that subject. On the same principles similar instructions were renewed and strongly enforced by President Adams, and continued to be so by President Jefferson, but without success. These things are so generally known, that it is not necessary to be more particular. Some gentlemen who hear me are so well acquainted with the facts, that they can correct me if I am mistaken. I, sir, agree with Washington and Adams, that impressing seamen of any description, whether our own citizens or those of other nations, from under the national flag on the ocean, the common highway of nations, was a just and, if persisted in, necessary cause of war. That thousands of our own native citizens were thus impressed, was a great aggravation to the aggression, but did not change the principle. Impressing French, Danes, Portuguese, &c., from under our flag, about whose language there could be no mistake, has been practised, and protested against by different Presidents. President Adams, it is presumed, was as well informed on this subject as any member on this floor. He not only in his public instructions, but in his private discourse, invariably maintained that our national flag was the protection of all under it, except contraband of war. In his last instructions to Mr. King, he lays down the incontestable position, that independent nations, while they remain so, have all equal rights; that consequently, if Britain had a right to impress from under our flag, we have an equal right to impress from under theirs.

It has, sir, been repeatedly and boldly declared on this floor, by such as are engaged in advocating the cause of Britain and accusing their own Government, that Britain has enjoyed and exercised these rights from time immemorial; and they treat with a kind of ridicule our expectation that she will ever surrender them, or ought to do it, because they say her national existence depends on them; that she has invariably exercised this authority. This I deny absolutely, and appeal to facts. I do not admit it to be entitled to the name of right.

During the reign of Queen Elizabeth, thousands of Englishmen went volunteers into the service of Holland and Henry IV. of France; but though England soon after, being at war with Spain, stood in need of seamen, yet we know they did not impress their own seamen, nor seamen of other nations, from under the flag of Hol-

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land or France. As the armies of Holland have been generally composed of men enlisted from other nations, they have at all times, while they enjoyed independence, had numbers of English, and Scotch, and Germans from different States in their service. They had several regiments kept up regularly by recruits from Scotland. Britain has been at different times at war with the United Provinces, but we never have heard of British citizens who entered their ranks in time of peace, considered or treated as traitors. During the Revolutionary war, when Britain purchased all the Germans she could procure from the petty despots, she also called on the States of Holland for the Scottish regiments; but they refused to come. Britain afterwards went to war with Holland, but did not in that war consider or treat as traitors the Scottish regiments, nor before they went to war impress seamen from the ships of Holland; nor have they impressed from Prussia, whose navy was manned with British seamen, from the admiral to the private sailor.

When the Prince of Orange arrived with an army in England to accomplish the revolution of 1688, that army was composed of officers and soldiers of different nations; a large proportion of that army, and their General, the Duke of Schomberg, were native born citizens of France. France became a party in the war, which was continued for several years; but none of the French citizens who had left France in time of peace to seek their fortune in foreign service were ever considered or treated as traitors by France. During the reign of Lewis XIV., who has been often, perhaps justly, considered as a tyrant, a number of young Frenchmen, during a period of peace between Austria and France, entered the Austrian service as volunteers in a war against Turkey. One of these afterwards became the celebrated Prince Eugene. A war soon after commenced between Austria and France, when the King of France called on the volunteers to return. Eugene and a number of others who had received commissions from Austria, then considered as the natural enemy of France, refused to return. Eugene became Commander-in-chief of the army of Austria, which eventually reduced the haughty Louis very low; but during different wars of near fifty years' continuance, with some intermission, neither Prince Eugene or these Frenchmen who continued in the Austrian service with him were ever considered as traitors. They left France in pursuit of their own happiness, and went to a nation with whom France was not at that time at war.

The Count St. Germain, a native of France, in time of peace, entered the service of Prussia; but when France engaged in the war against Prussia, he joined the armies of his native country, in which he attained a high rank, and rendered eminent services; but he was not a favorite of the King's mistress, Madame Pompadour, and his great merit was overlooked. He became discontented, and determined to resign and go into foreign service. Every inducement was given, and promise made, both by the King and Commander-

in-chief, to retain him in the service. These promises, however, had been too often broken to afford confidence. He claimed his right from the law of nature to pursue his own happiness, but engaged not to go into the service of those then at war with France, but of a neutral Power who eventually might be at war with it. He accepted of the chief command of the troops of the King of Denmark, who gave him a high salary to introduce discipline and order among the troops of Denmark. Was he deemed and prosecuted as a traitor, or reclaimed for this? No, after peace was restored in France, he was invited back to France, and put at the head of the War Department.

But, passing numerous examples from different nations of Europe that might be produced, I will, sir, offer a few examples from the practice of Great Britain herself on this question. I have already mentioned instances from the time of Elizabeth; I will now offer some of a later date. On the termination of the war in Ireland, which had been for several years supported in favor of King James against King William by the natives, assisted by auxiliaries of France, by the Treaty of Limerick, the heads of the Opposition were permitted to retire into foreign service. It was soon after discovered that it would have been better policy to have rendered them happy at home. They went into the service of France and Spain, and formed the famous Irish brigade, so much distinguished in the service of those nations in their war with Great Britain, till the Revolution of France, in which we know, by their names, many of them made a figure. They continued to be recruited from Ireland in time of peace for near an hundred years. General Conway, from France, who served in the American Revolutionary war, was one of them. He was born in Ireland. These brigades, continually recruited in Ireland, by the estimated amount of more than two hundred thousand, fought against Britain, the country in which they drew their first breath, from sixteen hundred and ninety till the close of the last century. They were exchanged, and otherwise treated in the same manner as the native troops of France; they were not punished as traitors. This was not singular. Holland, Prussia, Austria, &c., always had troops in their armies, enlisted or appointed from the neighboring States with which they were frequently at war. One of the sons of the sister of the King of Prussia, the famous Duke of Brunswick, had a command in his army during the seven years' war, while his brother had a command in the Austrian army opposed to him. But if they emigrated and went into foreign service in time of peace, or with a nation at peace with their native country at the time of their emigration, there is no instance known to me on record in which they were treated or punished as traitors, or obliged to return. The instance of Paulk, I presume, will not be considered as an exception. Their emigration is their voluntary act. In drawing their first breath, they are passive, their will is not consulted.

This case has, apparently, by the gentlemen from New York and Virginia, been divided into two questions—allegiance to a particular King or Government, and allegiance to the soil or country in which we happen to be born. The native colonists were only traitors against the King, even if they had not been successful in the struggle for independence; but I, and others, who had emigrated from Great Britain, if this doctrine was valid, were also traitors against the country in which they drew their first breath, viz: guilty of double treason. But these honorable members seem to have more acute discernment than the British Government itself possessed at that time. Very many officers and soldiers of the Revolutionary army drew their first breath in Britain or Ireland. Generals Gates, Lee, and St. Clair, the oldest Major General now living of that respectable army, drew their first breath in Great Britain, and had held commissions in the British army. Lee only resigned the British commission the day preceding his acceptance of a Major General's commission from Congress. He was afterwards taken prisoner by the British, but he was not by them considered as a traitor, but exchanged as other officers were, agreeably to the law of nations. The Pennsylvania line of that army, considered, at least before the mutiny, as the strongest line of the Revolutionary army, was in a great measure composed of men born in Ireland. Of these, Generals Irwin and Hand, well known in the annals of that period, had been in Ireland, and held military commissions under the King of Great Britain. General, then Colonel Irwin, and many other officers and privates who had been born in Ireland, were taken prisoners at the battle of Three Rivers, but they were not considered as traitors, but exchanged on the same principles as the natives were. If this absurd, slavish doctrine, had been urged and admitted at that period, it is very probable that the present generation would not have enjoyed independence, or a Government of their own; and if we had not gone to war when every honorable means of avoiding it was exhausted, we would have enjoyed independence only in name, the expense of supporting it without the benefit. The gentlemen know that they did not offer any alternative for war but submission. Submission in important points opens the way for repeated submissions.

I did not design, sir, to enumerate all the cases that justify the war, and have already called your attention longer than I had intended. I will only add, that the mission of Henry, as well as the missions among the savage tribes, were acts of hostility and justifiable causes of war, agreeably to the established rules and practice of all civilized nations, and we are sensible of having felt their hostile effects.

It is strange, sir, that this perpetual moral obligation of allegiance to the spot where we were born, though it should have been the most unproductive spot in the world, or under the most oppressive Government, has been so long kept out

of sight as to any practical effect. I have, indeed, long since observed such an idea held out by Judge *Blackstone* and *D. Rutherford*, both stipendiaries of the British Government, but denied by *Locke*, a superior and more independent authority. But what is that to us? The municipal laws of Great Britain, and theories of British writers, have no authority but in their own country. Let them keep their people in perpetual allegiance, or slavery, if they think proper. I, with several hundreds besides, sailed from Ireland in a British ship, agreeably to law. I gave no promise to return, nor was any asked. I was, by law, left free to go to what part of the world I pleased in pursuit of my own happiness. I have done so agreeably to the laws of Great Britain; therefore she has no claims on me. I declare most positively, that I do not recollect of hearing this slavish doctrine ever advanced in Congress till within ten or twelve years past, if so long. It is a doctrine of a new school—not of the old school of Washington, to which some of the gentlemen make pretensions. When I look around me in this House, or in whatever company I happen to be, I see none but emigrants, or the descendants of emigrants, who, at no very distant period, have expatriated themselves, by their own act, from the country in which they first drew their breath. This renders the new doctrine of treason, recently advocated on this floor, the more extraordinary.

Mr. RHEA, of Tennessee said, a difference of opinion respecting the war, and every measure to carry on war, has obtained and appears to continue. A relaxation of the war will be equivalent to an abandonment of it. Notwithstanding the mission of Gottenburg—which may or may not succeed—preparations to prosecute the war with effect are necessary. He therefore would vote for the proposed amendment, and finally for the bill.

We are invited "to return." That observation is fair, for on it a question arises, namely, to what shall we return? Let the circumstances attending the period between the Treaty of Peace which ended the Revolutionary war, and the Treaty of November, 1794, made with Great Britain be examined, and these circumstances will forbid a return to any situation exhibited in any part of that period; for during that period Great Britain retained the Western posts, contrary to the stipulations of the Treaty of Peace, and there were also many difficulties respecting boundary and commercial regulations. That Great Britain retained possession of the Western posts until after the said Treaty of November, 1794, and until after she had tried another war carried on by her Indian savage allies, is well known.

That Great Britain had commenced her system of maritime restrictions and usurpations against the commerce of the United States, previous to that Treaty, authentic documents in possession of Congress will manifest. That system of usurpations was continued, and the partial non-importation law was enacted by Congress, to show to Great Britain that her true interest was to promote

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a liberal and free commerce to the United States. That Great Britain scaled the non-importation law, by the arrangement made with Mr. Erskine is known; the manner need not now be noticed, that non-importation law was thereby rendered ineffectual. Great Britain gained her object, and with additional force continued her system of usurpations. The restrictive edicts of Great Britain and France, retaliating as they professed, on each other, but in fact annihilating the commerce of the United States, and enslaving citizens of the United States by impressment on the part of Great Britain, compelled Congress by the act of December, 1807, to lay a general embargo. A law prohibiting intercourse with Great Britain and with France succeeded the embargo—how that non-intercourse law ran out need not be noticed. Nor is it necessary to notice all or any of the various events attending that embargo and non-intercourse, because they are known, not only of themselves, but as they operated to prevent the effects that the embargo and non-intercourse laws might otherwise have had. These things are mentioned to show that the times in which they obtained afforded no state of relations with Great Britain to which the United States as a sovereign Power can return. Next in order was enacted the law of the first of May, 1810, the last Legislative effort of the United States to obtain, without hostilities, a peaceable settlement of all differences with Great Britain and France. France, when officially informed of that law, revoked her edicts, so far as they operated against the neutral commerce of the United States. Great Britain, although officially informed that France had so revoked her edicts, refused to revoke her edicts so that they might cease to injure the neutral commerce of the United States, and instead of so revoking them agreeably to the request of the act of 1st May, 1810, continued to enforce them with additional rigor, and in consequence thereof the non-intercourse law was re-enacted and put in force against Great Britain and her dominions, and so continued until the declaration of war by a law of June 1812.

That no point of time between the date of the first non-importation law and the declaration of war can be shown, in which the United States were not oppressed and afflicted with the usurpations of Great Britain, is evident, and therefore that period afforded no state of relations with Great Britain to which the United States as a sovereign Power can return, without returning to a state of degradation and submission. The period since the declaration of war exhibits no point of time with attending relations with Great Britain, to which the United States as a sovereign Power can return. To what then are we invited to return? Not certainly to a surrender of the sovereign rights of this nation.

Immediately previous to the act of May, 1810, was a period in which the restrictive commercial system of the United States had expired; the United States in that period manifested their desire to be at peace and friendly mutual intercourse with Great Britain—but not so with Great

Britain; deaf to justice, she enforced her maritime usurpations, and bid defiance to reason and social friendship. So much for the invitation to return.

The allusion to the times of James II. is, unhappy in this debate. Powerful parties in his times convulsed the British Empire. The divine right of Kings, perpetual allegiance, non-resistance, passive obedience, and that the people were born for Kings, and not Kings for the people, were doctrines prevailing in his time, as well as in the time of his predecessors. These doctrines, engrafted and sprouting on that system of human debasement introduced into England by William of Normandy, whereby the free people of England passed under the yoke of vassalage and villanage with their disgracing attendants—a system reducing mankind below the lowest degree of human degradation—was resisted by a powerful minority, and that minority was ultimately successful. James II. was forced to abandon the Three Kingdoms and fly to a foreign country, where he had, if he pleased, time to examine the doctrine of the divine right of Kings and its unnatural concomitants. The minority in the time of James II. resisted his usurpations—the majority of the people of the United States are at this day resisting usurpations of Great Britain, and the minority are opposing that resistance. The people of the United States have examined and will further examine this subject.

That France, Spain, Portugal, and the Baltic States, have no commerce, has been intimated. Who then deprived them of commerce? Let history be appealed to—the answer is, Great Britain. Great Britain has destroyed the commerce of all the said Powers and States, and has been and now is endeavoring to destroy the commerce of this nation to complete her unnatural dominion on the ocean.

The partition of Poland has been mentioned. Well then, who made it? The present Emperor of Russia did not make or help to make it; from his known magnanimity, the brave Poles have reason to expect that that magnanimity will also extend to them. But let us inquire who was at the bottom of the Treaty of Pilnitz, by which France was to be subdued and divided? He who runs may read. Imperial France has stood the shock, and spared thrones and dominions which she could have crumbled into atoms.

That Great Britain has practised the right of impressing foreign seamen for ages has been said. The right!—How did Great Britain obtain that right? Rights are either natural or acquired. Acquired rights are by convention or compact. The last species of right implies consent. That Great Britain has such right by nature, will not be asserted—that Great Britain has such right by convention or compact with all other nations, is denied, and cannot be proved. How then did Great Britain acquire that thing, if it may be termed a thing, named a right to impress foreign seamen? Great Britain acquired that thing by the same mode whereby she has destroyed the commerce of all maritime nations—that is, by force; and force never did or can constitute a

right. There is what is called a right of conquest—that species of right is without consent, and imposed. Will the people of the United States submit to an imposition of that species of right? They never will.

That the United States carry on the war with British capital, is intimated. Were the loans of eleven millions, of sixteen millions, and of seven and an half millions of dollars, British capital? What will they who loaned all these millions of dollars say to that? He sets aside all that has been said about the value of commerce, and goes to show that commerce has gained nothing; but, notwithstanding this intimation, that the loans alluded to were the property of the lenders, is presumed.

But these considerations are foreign to the object of the bill. The bill proposes to give power to borrow money. Pass the bill, and leave the execution with the agent authorized, and let him borrow if he can—that business will rest with him and the banks.

We are asked whether we can balance the power of the British in Canada? We answer, yes—what one nation has done, another nation in similar or better circumstances can do. The British, with the strong aid of the then Colonies, balanced the power of France, aided by tribes of savage Indians, in Canada; and the United States are able to balance the power of Great Britain, aided by savage tribes of Indian allies, in Canada; the event, however distant, will be.

To what has been said in respect to naturalization, the Act of Confederation and the Constitution give a full answer. The great men who signed and maintained the Declaration of Independence, believed in the doctrine of naturalization. With other causes and facts for that declaration against Great Britain, they state—"She 'has endeavored to prevent the population of these States; for that purpose obstructing the laws 'for naturalization of foreigners; refusing to pass 'others to encourage their emigration hither, and 'raising the conditions of the appropriations of 'land.'" This is the declaration of the founders of American independence. They who in those days opposed the Declaration of Independence are presumed to have resisted strenuously against that declaration, insisting that Great Britain had a right to do the facts stated; and now, after the United States of America have been an independent nation thirty-six years, to have reason to believe there now are they who resist a principle maintained by the founders of that independence, a principle for which, with other principles of independence, the ever to be revered General WASHINGTON fought and suffered the troubles and privations of a seven years' war against Great Britain; for which principle, and others of independence, the people of the United States did mutually pledge to each other their lives, their fortunes, and their sacred honor; and for which so many brave men suffered, and to establish which so many gallant men sacrificed their lives, is painful in the extreme. That each State of this Union, previous to the ratification of the Con-

stitution of the United States, had power to make laws of naturalization, and that all or most of them did legislate on that power, is manifest. The powers of the several States on that subject, by the ratification of the Constitution, were combined and delegated to the Congress of the United States, and on this is bottomed the clause in the Constitution which declares Congress shall have power "to establish a uniform rule of naturalization." This Constitution we are all solemnly bound to support against every power impugning it, and against all laws, pretended laws, rules, and regulations, militating against it. By the principle in the Constitution, no foreign person is excluded from naturalization in the United States. When the people of any country are proved to be created and born for the use and service of Kings and Monarchs, and not Kings and Monarchs for the People, then will the arguments against naturalization have some appearance of being correct. To make the argument against naturalization correct and conclusive, to prove that the people of independent nations, at their national origin, surrendered all their natural and individual right of renouncing and removing from one nation to another, is absolutely necessary. He who thinks he can do this will do right to begin; any argument bottomed on usurped power will not be admitted. The Constitution of the United States, and the laws made in pursuance thereof, are the supreme law of this land; anything in the mysterious constitution, laws, rules, regulations and Orders in Council of Great Britain to the contrary notwithstanding. To inquire whether, to carry into operation by the legislative act any principle of the Constitution be obligatory on Congress, is not necessary in this case; because Congress by legislative acts has made provision for the operation of the principle of naturalization, and these acts are the supreme law of this land; to resist them, and to deny the privileges by them offered, is dashing against a mountain of adamant.

A comparative view of the expenses of the Revolutionary war, and of the Administrations of President Washington, of President Adams, of President Jefferson, of President Madison, and of the war—the depreciation of paper money, the modes of its reduction and payment, the various speculations attending it—and soldiers' certificate business—may only be noticed. These things are remembered. That the debt of the United States at the commencement of President Jefferson's Administration, was more than the whole debt first assumed by the United States, has been exhibited to view. This may be passed over. In the time of the Administration of President Madison, even since the declaration of war, prodigious quantities of breadstuffs and other provisions have gone to the enemy and his savage allies—and by this means the price of these articles has been raised, and of course the expense of the war has been greatly increased. Other causes of accumulating expense, and arising from the uniform resistance to the operations of the Government before and since the declaration of war, can

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be related, but being publicly known are passed over.

Often has the following proposition been dragged into argument—"If the repeal of the Orders in Council had been known, the war would not have been." And pray what will that prove? That the Orders in Council existed, and injured the United States. But the Orders in Council were not repealed irrevocably. Another proposition, with the mighty particle *if*, will complete the argument, viz: If the Orders in Council had not been made to operate against the United States the war would not have been.

That "the controversy is owing to ourselves," has been said. Admitted: But not in the sense intended by the gentleman who used that proposition. Let the word *if* be used, and the propositions following will exhibit the truth of the first proposition. If the United States had never existed as an independent nation, the war would not have been. If the United States had not resisted the usurpations of Great Britain, the war would not have been. If the United States had submitted to the usurpations of Great Britain, then the war would not have been. What a wonderful little fellow this little word *if* is!

Frequently have the words "make peace" been repeated. The frequent use of these words seems to intimate that the diplomatic proceedings with Great Britain during the Administration of all the Presidents of the United States, respectively, have not been attended to. Let all the documents containing these proceedings be carefully read; and they will show that the subject of them on the part of the United States was to remove and prevent the operation of the usurpations which have ultimately compelled the United States to declare war against Great Britain.

That "as empire is extended, the Government is weakened," has been asserted. If this proposition be correct, the converse is also correct; that is, as extent of empire is diminished, the Government is strengthened. Hence it follows, that if the empire of the United States was confined within the limits of the State of Connecticut, the Government would be stronger than it now is; and the people of the United States (being substantially the Government) that is, the people then within the limits of Connecticut, would be stronger than all the people of the United States now are, will be a consequence. This sort of argument corresponds in propriety with another observation, "the smaller the majority the stronger; and the greater a minority the weaker." Strange indeed! wonderfully strange arguments against the bill!

What would the Opposition have us to do? Do they desire that we shall reject this bill and cease to provide means to support the Army and the Navy? Do the Opposition desire that our Army shall be disbanded—that our little Navy shall be laid up, and our seamen discharged? Discharge the Army—lay up the Navy—leave the frontiers open to an enemy void of mercy and abandoned to cruelty—and you will (to speak in the language of a late eloquent man) hear in every

breeze and blast of wind from the North and Northwest the cries and shrieks and groans of men, women, and children, scalped, massacred, and dying under the scalping knife, hatchet and other implements of death wielded with barbarous ferocity by the hands of the painted enemy and his savage allies. Do the Opposition desire that state of things? Do the Opposition desire that our Commissioners to Gottenburg shall be instructed to submit to any terms Great Britain shall impose? If the Opposition desire this state of things, let them speak out directly; for, if right, they need not be silent on these points.

Let the blank in the bill be filled, and let the bill pass; the money will be obtained, and will be to support the Army and the Navy. The Army and the Navy are praised and extolled for victories obtained over the enemy. Praise alone, however delectable, will not do. Praise alone is for immaterial beings. Praise may feed the soul, but will not feed nor clothe the body. We praise the gallant seamen of the Navy for their mighty deeds. They are far beyond all praise; and if we deny it to them, the wild and tame animals, who feed on the grass and herbage of the United States, will open their mouths and utter boundless praises to the brave men who defend the soil on which groweth their food from the inveterate enemy. Let us, then, give to the Army and to the Navy sufficient for support, and they will defend, and with strong hand maintain, the sovereign rights of this nation.

Mr. HUMPHREYS said he rose with diffidence to address the House, on a subject which he considered to be of more importance than any which had or probably would occupy the attention of Congress during the present session. In vain have laws been passed for adding three regiments of riflemen to the present establishment, and making other provisions for the vigorous prosecution of the ensuing campaign, if the bill now under consideration should be rejected. It was the master spring by which the whole warlike machinery of the country was to be set in motion, and if it were rejected we should be under the necessity of submitting to whatever terms the enemy might think proper to dictate and impose.

For his part, he was satisfied of the justice of the war; that it could not be avoided without sacrificing the interest and independence of the United States; that, in his opinion, the resources of the country were amply sufficient for its prosecution and ultimate honorable and successful termination. He did not, therefore, think with the honorable gentleman from Virginia (Mr. SHEFFY) that no appropriation of money for its support ought to be made.

That gentleman (Mr. S.) had, in the commencement of his argument, endeavored to prove, by a variety of facts and deductions, that there was too great a scarcity of capital for the purposes of trade within the United States; that the present measure was calculated to diminish the stock and transfer it into the hands of foreigners—so that, at the expiration of three years' war, the

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circulating medium would not be adequate to the ordinary purposes of internal trade.

This statement of the result of the present measure would, if correct, be productive of gloomy and painful reflections; but, without an extraordinary knowledge of the finances, it could be easily demonstrated that the position was altogether erroneous.

When the Government want money, a quantity of stock is created equal to the sum required; which stock is nothing more than the undertaking of Government to pay the amount of the principal and interest of the money which they may borrow of individuals, in the manner and according to the stipulation which may be authorized and agreed upon; this stock or assumption is sold to the capitalists of the country, who pay the purchase money into the Treasury of the United States, and again it is disbursed in pay to the soldiers, mariners, and agriculturists, for the support of Government, and in the prosecution of the war. Thus, if ten millions be borrowed in the course of the year, it gets into general circulation; every person in the community receives a portion of benefit from it, because it is added to the circulating medium of the country; a part enables the farmer to pay his taxes, and the balance falling into the hands of individuals may constitute a fund for future loans to the Government, if necessity require it.

But the gentleman from Virginia "contends the stock will be taken up by foreigners, and produce the evils he apprehends." Should Government have occasion for twenty-five millions—which is believed to be the sum required on the present occasion—we will suppose the stock to raise the money be sold in Europe;—the money for which it is sold will be introduced into the United States, and put into general circulation, as has been before observed; by which process an addition of twenty-five millions is made to the floating capital of the country, which will not escape for fifteen or eighteen years, the length of time dependent on the amount of interest which is annually paid. So far, then, from the opinion of the gentleman being correct, the very reverse of what he seems to apprehend will be the result; and the only danger is, that the too great increase of currency may produce a difference between the nominal and real value of property, or rather a diminution of the value of all property from which there is a fixed income. But it is believed that no danger is to be feared from this source, as the gentleman himself contends that the capital employed in trade and in mechanical operations is inadequate to the purposes required, and it is clear that improvements in any parts of the States would progress more spiritedly if the improvers could be possessed of a sufficient capital.

Mr. H. said he was sorry to differ in opinion with many of those gentlemen (in whose correctness he had much confidence) who declared the belief that it was improper on this occasion to inquire into the injuries practised by Great Britain, which produced the present war. He thought it necessary to take a slight view of the conduct

of Great Britain for the purpose of refuting the assertion repeatedly made, both on this floor and elsewhere, that the war is unjust, unnecessary, and inexpedient.

As to the justice of the war, there could be no doubt;—when it was considered that evidence conclusive was obtained at the battle of Tippecanoe, fought before the war, and from other sources, that the Indians were excited to hostilities by the British; were supplied with arms, ammunition, and every disposition to commence war on our frontiers. Emissaries were sent from the northern to the southern tribes, and strong solicitations made, and promises of support given to the southern Indians provided they would join the coalition against the United States. The horrid and indescribable massacre which was perpetrated near the mouth of Duck river, in the State of Tennessee, by the Creek Indians—that which was committed at Fort Mims, and the war which the brave people of Tennessee and Georgia now prosecute almost to the extermination of the deluded Creeks—may all be attributed to the barbarous and savage policy and management of Great Britain. These facts are sufficient to justify the endeavor to expel from Canada all British influence and power.

The honorable gentleman from Virginia (Mr. SHEFFEY) had treated the subject of impressment with some degree of levity, and stated that the figures 6275 made a great show in the public newspapers.

The impressment of Americans is sufficient cause for war. If there be six thousand two hundred and fifty-seven American citizens restrained of their liberty by British tyranny, compelled to serve in a state of bondage even against their own country, is there any person possessing a correct idea of the rights of the citizen, and knowing that the British Government decline giving them up, and refuse to make any arrangement of the practice of seizing the Americans on the high seas, who can reasonably believe these things should be submitted to without a contest? Whether these men are naturalized according to the existing laws, or native citizens, is not material, they are bound to the performance of the same duties, and entitled to the same privileges and protection from Government: it is certain there are many of both descriptions.

It is alleged, probably by way of extenuation, that the account is incorrect as to the number of Americans in the British fleet; but it is not denied that the number is considerable. Mr. H. said he would be glad to be informed what number of citizens, and of what degree, were entitled to the protection of the nation; for his part, he had believed the number to be unimportant. It was the principle for which the United States should contend, and if American citizens were restrained of liberty, held in bondage by foreign nations, it was a question between nations, to be decided by war, if negotiation failed. The value of national rights cannot be estimated; every infraction must be resisted; submission only increases the difficulty of redress, and the precedent

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is pleaded against us. The honorable gentleman from Virginia has said that England was a proud nation, and had made war for the Falkland Islands and other fooleries.

It is true that England has assumed a manly and dignified attitude—her pride has led her into some errors which have been productive of national evil; but that pride induced her to repel all invasions of her rights and independence, and has contributed in a great degree to produce that exalted rank which she now holds among nations. Suppose that all the injuries which the United States complain of were practised by them against Great Britain; that those States were to attempt, from an adjoining territory, to excite the Indians to hostilities, to corrupt their citizens, subvert their Constitution and destroy their independence as a nation; trespass upon their commercial rights and seize upon their subjects, in violation of all law, and lead them in slavery on the high seas, would not every man in England admit that war would be justifiable—would it be considered the result of unreasonable pride, or anything but patriotism or necessity? Yet it has been said the war made under these circumstances by the United States against England is a wicked, unjust, and murderous war.

With respect to the conquest of Canada, it was perfectly justifiable. It was of the greatest importance to the United States if the war against Britain in the Canadian province should be considered an offensive operation, still it was legitimate and Constitutional; but can any operation of this nation, whether by land or sea, be considered as other than defensive, if it be calculated to repel the enemy or disable him for the further prosecution or continuance of the evils of which the United States had such just grounds of complaint? The war was commenced for the defence of American rights, of property, persons, and principles; in the prosecution of the war every act may be considered as defensive, which will conduce to the attainment of the objects for which hostilities were commenced. The conquest of Canada, and the expulsion of the English power from the American continent, would operate most powerfully in depriving the enemy of the means of annoying our commerce and preying upon our citizens.

Halifax is the place of general rendezvous for the British vessels on the American station—the place at which they may be repaired, watered, victualled, and supplied; in a convenient latitude between the West Indies and England. The ports of the West India islands are not suitable to shipping. Without a footing on the continent, without Canada, in fact (which, as early as the year 1762, was considered necessary to the British power in America) the same quantity of shipping could not be supported on the United States coast, nor remain for so great a length of time as at present. A small fleet would in general give us the command of the American seas, interrupt and almost destroy their commerce with their southern colonies, and force them to respect our rights more effectually than is in the power of

the strongest maritime State in Europe; the British influence over the Indians would be wrested from them, and the women and children on the western frontier would rest in security and peace.

This war is not, as insinuated by the honorable gentleman from New York, (Mr. SHEPHERD,) for the purpose of cutting the throats of innocent Canadians; and surely no man is weak enough to believe that injury to the Canadians is intended by our Government. It is against the British power and influence on this continent, continually used to our destruction.

Were the question asked, Should the war be continued merely for the subjection of Canada? the answer would be, no—not because the proceeding would be unjust, but because the war should be abandoned when Great Britain did us justice, yielded us the object for which we contended in the commencement of hostilities, and consented to make a permanent and honorable peace.

Mr. CULPEPER spoke as follows: Mr. Chairman, before the question is taken, I desire to assign some of the reasons which governed me in the course I have pursued, and for the votes which I have given, and which I expect to give, upon this and sundry other subjects connected with it, viz: embargo, non-importation, war, army bills, and appropriations. I connect the embargo with the question of filling the blank, not because of its relation to this subject, but because the gentleman from Kentucky (Mr. McKEE) commenced his attack upon us by charging us with voting against the embargo in December, 1807. I did vote against the embargo in 1807, and have voted against it every time it has been proposed since, for several reasons: First, because I did believe it would injure us more than the Europeans, by destroying or diminishing the spirit of industry and enterprise for which our citizens are so remarkable. The farmer, deprived of the prospect of a profitable sale for his surplus produce, will have fewer inducements to industry, during the continuance of the embargo, than when he has the prospect of a profitable market; and it must, and certainly will, have the same effect upon every branch of industry. Second, because, if it does affect the enemy in any degree, and I admit it will, it must fall almost exclusively upon the poor, who are already miserable, and who have little or no voice in the Government of England. Third, because we have an extensive maritime frontier, blockaded by a formidable navy, which, though it consisted (as gentlemen on the other side of the House tell us) of one hundred ships, was unable so effectually to guard our coast as to prevent us from a profitable commerce. I believed, when we blockaded the whole of our coast by our embargo, the one hundred British ships, then stretched from the Bay of Passamaquoddy, on the northeast, to the Gulf of Mexico, on the southwest, a distance of near two thousand miles, would be relieved from the arduous task of such a blockade, and have little else to do but to concentrate their forces, and annoy us much more effectually than they have by their blockade. These, sir, are some

of the reasons which induced me to vote against the embargo, and I have seen or heard nothing since to alter my opinion. I fear my scruples will be confirmed, for I place no reliance on the magnanimity, justice, or mercy of the British, as an enemy. But, if I had doubted the correctness of my vote upon this subject, the effects of your embargo, since it became a law, would have removed all my doubts. I begin with a circumstance which happened in Alexandria, which, though limited in its effects, may be of some importance: A citizen of this place had purchased sixty bushels of oysters, which he had put on board of the packet which runs daily from Alexandria to this place; he also purchased a few barrels of flour, (perhaps four or five,) which he was about to send on board; the collector, who I understand had just received notice of the embargo, considered it his duty to demand security, conformably to the provision of the act laying an embargo; the owner or conductor of the packet, either unable or unwilling to give the security, or for want of time to draw a bond, omitted to comply. The consequence was, the packet had to be detained until the oysters were disembarked; and the men (as I am informed) had to give three dollars to a cartman to haul a load on the turnpike the next day. In North Carolina, the State which I have the honor to represent in part, it has prevented the manufacturers of salt from procuring the lumber necessary for extending the manufactory of that all-important article; and when my honorable colleague, (Mr. KING,) the other day, proposed so to amend a bill upon the subject as to extend the privilege of transporting lumber to be exclusively employed in manufacturing salt, the proposed amendment was rejected.

Another case lately occurred in New York. A large sum of cash drawn by a man, or by a number of men, out of the banks in New York, was, by the orders of the collector of the port of New York, (who, it is said, was a manager in one of the banks,) forcibly taken from the person or persons having the charge of it, by virtue of the provisions of the act laying an embargo, and deposited, it is said, in the vaults of the bank out of which a great part of it had been drawn. It may be supposed the collector exceeded his authority. Let us examine the law. The 9th section says:

"And be it further enacted, That the collectors of all the districts of the United States shall be, and they are hereby, authorized to take into their custody specie, or any articles of domestic growth or manufacture, found on board of any ship or vessel, boat, or water craft, when there is reason to believe they are intended for exportation, or when in vessels, carts, wagons, sleighs, or any other carriage, or in any manner apparently on their way towards the territories of a foreign nation, or the vicinity thereof, or towards a place where such articles are intended to be exported; and not to permit such articles to be removed until bond with sufficient sureties shall have been given for the sending or delivering of the same in some place of the United States, whence, in the opinion of the collector, there shall not be any danger of such articles being exported."

Now, sir, it is certain the act laying an embar-

go did authorize, if it did not make it the duty of, the collectors to do as they have done; and I find no provision in the law to prevent the collectors from taking in their custody all the specie or produce, removed or attempted to be removed from one part of the Union to another, as we have enemies and foreign territories all around us, from East to West, and from North to South, the collectors being authorized to judge appearances.

From such a law, from such a construction, from such an execution of such a law, I pray God in mercy to preserve me, my country, and posterity! But other circumstances have proved the embargo inexpedient and oppressive. In thirty days after the passage of the law, the committee who reported the bill, and hurried it through the House, informed us that seven thousand persons, inhabiting the Island of Nantucket, in Massachusetts, were starving under this measure; they reported a bill for their relief, and urged its immediate passage to prevent them from starving. The same committee have also reported another bill for the relief of owners or masters of vessels, to permit such as were absent from home, when they first heard of the embargo, to return with their vessels in ballast, or with such cargoes as they had on board when notified of the embargo, provisions and passengers excepted. The votes of members in the minority have been noticed as a proof of Federal inconsistency. I cannot fully comprehend the modern definition of Federal inconsistency; but, my Federal consistency is to meet every subject fairly, weigh it impartially, and vote as my judgment approves. With this kind of consistency, I voted against the bill. I find the advocates of that measure are getting tired of it; and, as this bill afforded but partial relief, I presumed, if the country could prove the operation of this measure as proposed by its authors, it would be given up as inexpedient and oppressive.

The gentleman from Kentucky charges us with voting against the non-importation. Yes, sir, I voted against it as a weak measure, which can have no injurious effect upon England now the Confederation of the Rhine is dissolved, and Bonaparte has, though perhaps reluctantly, abandoned his continental system, and nearly the whole of Europe; when Russia, Austria, Prussia, Sweden, Holland, Spain, Portugal, Bavaria, Saxony, Württemberg, Hanover, the Hanse towns, the islands of the Adriatic, and perhaps Italy and Switzerland, are all in alliance or friendship with England, and her manufactures and the price of labor have advanced in that country thirty per cent. in a short time. If we could exclude England from the commerce of the world, then, sir, I could consent to try the experiment; but to relinquish or suspend our own commercial pursuits to coerce her, in the present state of things, I cannot consent.

I come now to the war. I shall not go back to the Revolution to search for the causes of war; nor shall I attempt to decide between France and England, which commenced or which has been most successful in its encroachment on our neu-

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tral rights; but I shall notice some of the circumstances which have led to a declaration of war. In 1810, Congress, tired of remonstrances and restrictions, passed a law providing that, in case either Great Britain or France should, before the 3d of March next, so revoke or modify her edicts as that they shall cease to violate our neutral commerce, which fact the President of the United States shall declare by proclamation, and if the other nation shall not, within three months thereafter, so revoke or modify her edicts in like manner, then the provisions of the act, entitled "An act to interdict the commercial intercourse between the United States and Great Britain and France, and for other purposes," shall, from and after the expiration of three months from the date of the proclamation aforesaid, be revived, and have full force and effect, so far as relates to the dominions, colonies, and dependencies, and to the growth, produce, or manufactures of the dominions, colonies, and dependencies of the nation thus refusing or neglecting to modify her edicts in the manner aforesaid; and the restrictions imposed by the act shall, from and after the date of such proclamation, cease and be discontinued in relation to the nation revoking or modifying her decrees in the manner aforesaid.

The French Minister informed our Government the French decrees should be revoked, or so modified as to cease to violate our neutral commerce, on the first of November, 1810. This the President published, and by proclamation declared the French decrees revoked on that day, and the restrictions were removed from French produce and manufactures. The British Government, either doubting or professing to doubt the repeal of the French decrees, refused to revoke her Orders in Council. Both Governments persisted—our Government affirming the French decrees repealed, and the British Government denying the fact. The consequence has been a declaration of war by the Government of the United States, against the United Kingdom of England and Ireland, and their dependencies. Let us examine this very extraordinary decree, and the time and manner in which it was communicated to our Government. In answer to the resolution of this House, dated June 21st, the Secretary of State informed us in July, that the first intelligence which this Government received of the French decree, was on the 13th of July, 1812, just twenty-five days after our declaration of war against England. What does this repealing decree tell us? "Napoleon, Emperor of the French, &c. On the report of our Minister of Foreign Relations: Seeing by a law passed on the 2d of March, 1811, the Congress of the United States has ordered the execution of the provisions of the act of non-intercourse, which prohibits the vessels and merchandise of Great Britain, her colonies and dependencies, from entering into the ports of the United States; considering that the said law is an act of resistance to the arbitrary pretensions consecrated by the Orders in Council, and a formal refusal to adhere to a system invading the independence of neutral Powers, and of their flag, we have decreed and do decree

as follows: The decrees of Berlin and Milan are definitively, and to date from the 1st of November last, considered as not having existed in regard to American vessels."

Here, sir, is the very extraordinary decree, about which we have had so many disputes among ourselves, and between our Government and the British Government. Can any gentleman in this House attend to this repealing decree, and say he believes the Berlin and Milan decrees were unconditionally repealed in November, 1810? If any can, I confess I cannot. The Emperor, so far from informing us they were repealed on that day, declares it is done in consideration of the act of Congress passed subsequent to that period.

I come next to inquire into the reasons for carrying on the war. The President in his Message at the commencement of this session, after describing our relations with England, says, "under such circumstances, a nation proud of its strength has no choice but an exertion of the one in support of the other"—that is, as I understand it, to exert our strength in support of our rights; and he adds, "to this determination the best encouragement is derived from the success with which it has pleased the Almighty to bless our arms both on the land and on the water." With what success has he been pleased to bless our arms? When Captain Perry and his brave companions defeated Captain Barclay on Lake Erie, and captured the whole of the British fleet, the British destroyed Fort Malden and fled; General Harrison crossed over the lake, pursued and overtook the British army, commanded by General Proctor, dispersed the army and captured or killed most of the party. Yea, so great was the panic of the British on this occasion, they retreated and our troops took possession of a considerable portion of Upper Canada, and with expectations of a speedy conquest, pushed on towards Montreal. What has been the consequence? Our commanders have informed us. General Hampton, in a letter of the 1st of November, after describing to the Secretary of War the difficulties with which the army under his command had to encounter, says, "he submitted to the officers of brigade, regiments, and corps, &c., the propriety of renewing the attack upon the enemy, and what position is it advisable for the army to take; and as it is the unanimous opinion of this council, that it is necessary for the preservation of this army, and the fulfilment of the views of the Government, that we immediately return, by orderly marches, to such a position as will secure our communication with the United States, either to retire into winter quarters, or to be ready to strike below," &c.

On the 12th November, the General, in a letter to the Secretary, writes: "I should be uncandid not to own that many circumstances are unpropitious. The force is dropping off by fatigue and sickness to a most alarming extent. My returns yesterday report the effectives at little more than half their original state at Chateaugay; and, which is more discouraging, the officers, with a few honorable ex-

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'ceptions, are sunk as low as the soldiers, and endure hardship and privation as badly." General Wilkinson, in a letter to General Hampton, November 6th, says: "I address you at the special instance of the Secretary of War, who by bad roads, worse weather, and ill health, was diverted from meeting me, and has determined to tread back his steps to Washington. I am destined to, and determined upon the attack of Montreal, if not prevented by some act of God," &c. What was his success? General Wilkinson, after describing his progress, and detailing the events of an action with the British on the 11th, in which he claims the advantage, but admits he retired with the loss of one field-piece, complains of General Hampton, who, from Hampton's account, was unavoidably prevented from forming a junction with him; and on the 13th of the same month, issues a general order, in which he says: "Thus deprived of a large portion of his promised force, the Commander-in-chief feels himself bound, by a sense of regard to this meritorious corps, and of sacred duty to the United States, to spare the lives of brave men, and not to hazard the character or interest of the nation by an unequal conflict. He with lively regret and the deepest mortification suspended the attack on Montreal." Here ends our pleasing prospects of further conquest. But we had still an army remaining in Canada, stationed at Fort George, under the command of General McClure. Now we come to his progress. On the 10th December, he writes to the Secretary of War: "From the most indubitable information, I learn that the enemy are advancing in force; this day a scouting party of Colonel Wilcox's volunteers came in contact with their advance, and this movement determined me in calling a council of officers. They all accorded in opinion with me, that the fort was not tenable with the remnant of force left in it. I in consequence gave orders for evacuating the fort since dusk, and the village of Newark is now in flames."

From this letter, and subsequent accounts from that quarter, it appears we have not only suspended these operations for extending our conquest, but have abandoned the small portion of the enemy's country which we had gotten possession of. And the Commander-in-chief was actuated by a laudable and humane desire to spare the lives of brave men. But unfortunately for us, the British Commander-in-chief, actuated by motives less humane than our General, or probably a spirit of revenge, had determined to retaliate upon us for burning of the British town of Newark, which he, whether correctly or incorrectly, considered as an act of cruelty, this act being done conformably to the instructions of the Secretary of War. The British pursued; crossed over the line, and destroyed several of our forts; burned several of our villages, and captured a number of our men, and possessed themselves of the important post of Niagara, on our frontier. In all these movements and effects, I discover no great encouragement to prosecute this war of conquest.

But we have been charged with moral treason

for not supporting this war. The gentleman from Tennessee, (Mr. GRUNDY,) the gentleman from South Carolina, (Mr. CALHOUN,) and the gentleman from New York, (Mr. FISK,) have given us several lectures upon moral treason and the doctrine of morality. I know not by what rule these gentlemen try our morality; not by the Constitution or laws of the United States I presume, for I have not wilfully transgressed these laws, and I trust gentlemen are not prepared to charge us with the violation of either the Constitution or the laws. So far from it, sir, I have given the war my Constitutional support, and shall continue to do so. When the law requires me to part with a share of my property to secure the remainder, I do it cheerfully, and I advise my friends, and have the vanity to believe they will, when called on to defend their country, march with alacrity; but I never shall advise them to enlist for the purpose of invasion. The gentleman from Virginia (Mr. SHEFFEY) has proposed conscience as the rule of morality—I prefer that to any rule proposed by gentlemen on the other side of the House; but I know of no unerring rule of morality, except the unchangeable and eternal rule of right, which the Author of our existence has given us to govern our conduct by, and in which rule our duties to our Creator and to each other are briefly described. By examining these duties, we find they originate in and rise out of our relation to God and dependence upon him; or our relation to and dependence upon each other, and are unchangeably and eternally the same. What does this say? Kill, capture, burn, sink, and destroy? No, sir—it says: Thou shalt not kill; thou shalt not steal; thou shalt not covet anything that is thy neighbor's, &c. I had no idea of introducing the subject of morality into this House; but, as gentlemen have been pleased to introduce the subject, let us have the principle fairly settled. I do not say gentlemen who voted for and are in favor of war, have violated this rule; but I will say, I have not violated it by refusing to kill. This, sir, is the rule by which I expect my morality to be tested in the presence of an impartial Judge, by whose decisions we must all abide. While it is the passion of some to rule, of some to accumulate, and of others to shine, I hope the leading passion of my heart will be one which Heaven inspires, which reason rectifies, and which conscience approves; that of preventing all the evil and doing all the good of which my humble powers are capable.

I come next to take notice of the Army bills for carrying on this war. We have passed bills to authorize the raising sixty-six thousand regulars, and have bills on their passage to raise many more under the character of volunteers if they will consent to serve during the war. I have examined the several acts of Congress for organizing the Army of the United States and I find the regular army if raised, will require, if organized upon the plan of the present Secretary of War, and I have no doubt we shall raise the men; I say our present establishment will require 16 major generals, 32 brigadier generals, 112 colonels,

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112 majors, 66 surgeons, 112 surgeon's mates, 66 sergeant majors, 66 quartermaster sergeants, 112 principal musicians, 660 captains, 1,980 lieutenants, 660 ensigns, 2,640 sergeants, 3,960 corporals, 1,320 musicians; making in the whole of general, field, staff, commissioned, and non-commissioned officers, 12,412, exclusive of commissaries, chaplains, &c. We have no information as to the number of effective men in our armies, this renders it difficult to ascertain the probable expense of sixty-six thousand, if the ranks are filled. A gentleman from New York (Mr. GROSVENOR) estimates them at fifteen thousand. A late Senator, now Secretary of the Treasury, estimates them at eighteen thousand. As the gentleman from Tennessee is an advocate for the war, and it is to be presumed he understands the subject, which neither the gentleman from New York nor myself, as we are not in the secrets of Government, do, I shall therefore take his statement as correct. If then, sir, we have an Army of but eighteen thousand effective men, a number too small (as is admitted by the Chairman of the Military Committee) to meet the enemy with superior numbers on any part of the enemy's territory, what has been our expense the last year? We are told it is but forty millions of dollars; that is, we have paid but forty millions; but no gentleman will say that has covered the whole expense of the year 1813. No, sir, the honorable Chairman of the Committee of Ways and Means (Mr. EPPES,) has apologized to the House for the necessity of asking so large a loan before the proper estimates have been made and the accounts for last year finally settled.

The honorable Chairman has presented an account of from three to four hundred thousand dollars, paid by the State of Virginia, and has applied in behalf of Virginia to have the money repaid by the United States. The militia from the State of North Carolina, which I have the honor to represent in part, when called on to defend their country, volunteered, though many of them were opposed to a war of conquest. They have served out their time, and have been discharged, and I am informed have not received their wages or allowance for clothing. Some of my acquaintance in the regular service, I am informed, and I believe correctly, have not been paid for several months, and demands are presented from every quarter, which none doubt the justice of. It is certain, therefore, we have a large amount of unsettled accounts, and the reason why we have paid but forty millions of dollars last year is, because we had no more money, and not because all the just demands were settled and paid. In 1812, eleven millions were borrowed; in 1813, sixteen millions were borrowed at first, and afterwards seven and a half millions; in 1814, thirty millions is proposed to be raised by loans and Treasury notes. The estimates for 1814 are said to be \$45,350,000. But can any gentleman in this House recollect that with an effective force of eighteen thousand men, our expenses have been forty millions of dollars, and say if our ranks are filled, and sixty-

six thousand men raised, we can support such an army, and defray the expenses of the current year with sixty-six millions of dollars? Certainly not. But gentlemen call on us to support the war because it has now become popular, not the war of the Government but of the people. How do gentlemen prove this? Not by the elections for members of Congress, I presume. In New Hampshire three or four members voted for the war—all have been left out. In Massachusetts six or seven voted for the war, and all but one have been left out. In Vermont one voted against the war, who has been turned out by a general ticket, but is since chosen Governor of the State. In Rhode Island, Connecticut, and New York, few changes have taken place, as very few voted for the war. In the Middle States little or perhaps no change has been made. In Virginia three gentlemen have been turned out for voting against the war, and two for voting for war. In North Carolina one has been turned out who voted for war. It does not appear from this statement, and I presume it is correct, that the war is very popular. Nor does it appear from the recruiting service. We began with a bounty of sixteen dollars, we have raised it to one hundred and twenty dollars, and our ranks are not filled; our regiments are many of them mere skeletons. The sixty-three regiments, amounting to perhaps twenty-five thousand, sick and wounded, inclusive. If applications for office prove the war popular, why then indeed it may be pronounced a very popular war. I presume we have ten or twelve thousand officers, and perhaps as many more applicants for office, and if we could form an army of officers and march immediately to Canada, I presume the province would soon be conquered if they could procure provisions.

But notwithstanding all these things, I expect a small majority are for war. They have been told the British Government claim the right to impress native born Americans, and refuse to relinquish that right, and many of them believe it. Let us examine the correctness of this doctrine. Mr. Monroe, our late Envoy to England, and now Secretary of State, writes a letter on the 28th of February, 1808, to Mr. Madison, in which, after describing the idea entertained by the public upon the subject, he says, "I have on the contrary always believed, and still do believe, that the ground on which that interest was placed by the paper of the British Commissioners of November 8, 1806, and the explanations which accompanied it, was both honorable and advantageous to the United States; that it contained a concession in their favor on the part of Great Britain on the great principles in contestation never before made by a formal and obligatory act of the Government, which was highly favorable to their interest." The British Commissioners state that the King was not prepared to disclaim or derogate from a right on which the security of the British navy might essentially depend, especially in a conjuncture when he was engaged in wars which enforced the neces-

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sity of the most vigilant attention to the preservation and supply of his naval force; that he had directed his Commissioners to give to the Commissioners of the United States the most positive assurance that the instructions had been given, and should be repeated and enforced, to observe the greatest caution in the impressing of British seamen, to preserve the citizens of the United States from molestation or injury, and that immediate and prompt redress should be afforded, on any representation of injury sustained by them. And the British Ministers assured the American Ministers they were instructed still to entertain the discussion of any plan which could be devised to serve the interests of both States, without injury to the rights of either. These, sir, were the provisions of the treaty or agreement between the British Ministers and our Ministers in 1806, in the opinion of your present Secretary of State. This treaty was rejected by President Jefferson, and never presented to the Senate for consideration; in which the British claim no right to impress Americans, but adhere to their system of reclaiming their native born subjects in this oppressive way; and it is admitted that in exercising this right, their officers have, either through mistake or design, impressed some native American citizens. For this they propose a remedy, which will, if possible, remove the evil in a manner best calculated to avoid injury to the rights of either.

A very important difficulty still remained. The American Government claim a right to naturalize British seamen; and the British persist in reclaiming them as her subjects. But I see in the *National Intelligencer* of this day, (February 12,) a piece signed Cincinnatus, which bids fair to remove this remaining difficulty. I will read a few of the remarks contained in this essay: "The disasters which have attended the American arms, so far from having broken the spirit of the nation, have not even touched it." Again: "Among the means of rendering the American Republic independent of the policy of Europe, the propriety of a change in our regulations, relative to the naturalization of the natives of that quarter of the globe, has presented itself with no inconsiderable interest. And when peace arrives, come when it will, having really attained political independence, and that by the strength of our own arm, without the alliance of any foreign people, we shall hereafter be properly respected by the nations of Europe, and by none more than by Great Britain. The English are a brave and generous people, and an unequivocal exhibition of the same qualities will always constitute a certain title to their respect. Consulting, however, our own peace and permanent tranquillity, without reference to her policy, a serious and interesting question ought to arise before the termination of the present hostilities: whether the happiness of America will not require at the next pacification, within a reasonable period subsequent to it, the cessation of the future naturalization of British subjects?" This savors more of con-

ciliation than of popular war. I am not disposed to give the contents of this paper more importance on ordinary subjects than other newspaper publications. But as this paper is published under the eye of the President, and is called a State paper, it is supposed to contain no political essays but such as are approved or tolerated by the President. It is reasonable, therefore, to presume, that a radical change is contemplated in our naturalization system at no distant period, which, if effected, will lessen the ground of controversy. A small majority, are, perhaps in favor of war. The citizens of the United States are strongly attached to a Republican Government; which certainly is the best form for a people who have virtue to enjoy and improve the blessings of liberty. This war was declared by those who call themselves Republicans, and who I hope are, but not exclusively Republicans, for we prefer a Republican Government. Many of the people, therefore, consider this a war for republican principles. They have been told, and no doubt honestly believe, the British contend for a right to impress native born Americans, and compel them to serve on board of their navy. Possessing, as they do, a high sense of liberty, and considering this a republican war clothed in the plausible dress of free trade and sailors' rights, perhaps a small majority would at this time vote for war. But strip this war for conquest of its borrowed plumage; let the people know that the King of England, although determined to adhere to his maritime system as a necessary measure when contending with the gigantic power of France, assisted, though perhaps reluctantly, by many of the Powers of Europe, for the national existence of Great Britain, and what he (whether correctly or erroneously) considers the independence of the world, did, as early as 1806, give his cruisers instructions to respect the rights of American citizens, and gave the most positive assurance to the American Commissioners that prompt and immediate redress should be afforded on any representation of injury sustained by the Americans. Let them know that the Prince Regent, when the British and their allies are everywhere victorious, has proposed to appoint Commissioners to treat with us either at London or at Gottenburg in Sweden, upon principles of perfect reciprocity, not inconsistent with the maxims of public law, and of the British maritime rights. That the President has acceded to the proposal, and has appointed five Envoys Extraordinary to repair to Gottenburg, and commence a negotiation for the adjustment of our differences. Let them know that this war has, with a force too small for successful offensive operations, already cost the United States (this year included) as much money as the whole Revolutionary debt at the adoption of the Federal Constitution. All which they ought to know, in order to decide correctly. And then ask them if they desire to prosecute this Quixotic war of conquest, at an expense of from fifty to seventy-five millions of dollars per annum, either to prove our ability to conquer Canada, or for the

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purpose of holding the inhabitants as hostages, or the country as a bond for the good behaviour of the British Government in future? and, my life for it, the answer will be no. In examining the causes, progress, and effects of the war, and the motives for supporting or opposing a continuance of it, I have said but little respecting the conduct of the French, the American, or the British Governments, only as they were concerned in producing the present state of things. As to the French Government, or the Emperor of the French, I have uniformly detested his ambition and admired his talents, both as a politician and as a warrior, and I have been somewhat alarmed at his progress, though never disposed to change my course on that account. But discovering from his own acknowledgments that his plans are disconcerted, or, to use his own words, that all have turned against him; that Kings whom he had made have forsaken him; and his power appears to be broken, and the Confederation of the Rhine dissolved; and that he appears convinced of his error, and disposed to be at peace, believing if he is reformed as well as convinced, he will be a great and good man—I had rather hear of his reformation than his overthrow. I hope France, confined within her natural boundaries, will remain a great and become a happy nation; and I am willing for them to enjoy the privilege I claim for myself, that is, of doing their own business in their own way; and if the Emperor Napoleon is the choice of the French people, I have no objection to his reigning over them.

I am not anxious to express sentiments of approbation or of censure upon the conduct of the President. I admit that if in the discharge of duties so important, and in the management of affairs so complicated and difficult, he has made mistakes, he is entitled to a liberal and a candid construction of his motives. I am disposed to be a little blind to what I can but consider the effects of a mistaken policy. I have always disapproved of the conduct of the British Government upon the subject of impressment, and I am disposed to resist the practice if negotiations cannot remove the evil. But gentlemen ask, what will be the state of things if the bill under consideration is rejected. Sir, I do not wish the bill to be rejected. We are blamed for opposing the measures proposed by the majority, and not proposing a substitute. Although I have little reason to expect anything proposed from this side of the House, or by me, will be adopted, I will inform you, sir, what I would do: I would fill the blank with a moderate sum, say ten millions, which, with the estimated revenue for the current year, and five millions in Treasury notes, would be sufficient for all the purposes of defence; I would propose an armistice, which can be no dishonorable act in our Government, after the Prince Regent has proposed to open a negotiation which has been acceded to by our Government; and I would remove the restrictions from our commerce, and try to revive the spirit and resources of the nation, and prepare in earnest

for war if negotiations fail, and a continuance of the war be necessary. As to foreigners, I would not go as far as Cincinnatus has proposed; I would permit them to live in our country, and if they were peaceable, to enjoy the blessings of liberty, should Liberty deign to make this once happy country her future residence; and, after a sufficient time to become acquainted with, and attached to, our form of Government, I would permit them to be incorporated into our political society, and enjoy the privileges of citizens while they remained in our territory; but I never would hazard the peace and happiness of our country, nor shed the blood of our citizens, to protect foreigners out of our territorial limits. I have now, Mr. Chairman, assigned some of my reasons for the course I have pursued, for the votes I have given, and which I expect to give; they have been described in the plain, unadorned language of truth, and although they may not convince gentlemen in the majority, and induce them to act with me, they influenced my conduct, and I trust will be sufficient to justify the course I pursue in the opinions of my friends, and especially among my immediate constituents, to whom I am accountable; and should I fail in this reasonable expectation, I shall at least have secured to myself an approving conscience.

The Committee rose for the want of a quorum, and the House adjourned, (38 to 38, the Speaker deciding in the affirmative) before Mr. CULPEPER finished his speech, which is given entire.

MONDAY, February 14.

Mr. McKEE, from the Committee on the Public Lands, reported a bill for the relief of James Crawford; which was read twice, and ordered to be engrossed, and read the third time to-morrow.

Mr. McKEE, from the same committee, reported a bill confirming certain claims to lands in the Illinois Territory, and providing for their location, which was read twice, and committed to a Committee of the Whole.

An engrossed bill to continue in force an act to raise ten additional companies of rangers, was read the third time and passed.

PETITION OF MARY CHEEVER.

The House resolved itself into a Committee of the Whole, on the report of the Committee of Pensions and Revolutionary Claims, unfavorable to the petition of Mary Cheever.

[The memorable circumstances of this case need scarcely be repeated. For the information of those, however, to whom the case may not be familiar, it may be well to state them. The petitioner was the mother of two noble fellows, of her own name, seamen on board the frigate Constitution, both of whom were killed in the memorable engagement between that vessel and the British frigate Java, on whom she, as well as her daughter, was entirely dependent for support. By their death, she is left destitute of the means of subsistence, and petitions Congress for relief. The committee report against it, on the ground of the inexpediency of making par-

ticular provision for such a case, as not being more entitled to relief than many others which might occur.]

Mr. WILLIAM REED of Massachusetts, moved to substitute for the resolution, "that the petitioner have leave to withdraw her petition," a resolution instructing the Committee of Pensions to report a bill for her relief.

This motion was supported by Messrs REED of Massachusetts, Mr. WEBSTER of New Hampshire, Mr. CHAPPELL, and Mr. LOWNDES of South Carolina, and others, on the ground of feeling, justice, and public gratitude; and opposed by Messrs. ELY of Massachusetts, Mr. FINDLEY, and Mr. INGHAM of Pennsylvania, on the ground, taken in the report, of the inexpediency of legislating in particular cases, not varying in principle from many other cases to which relief is not extended by the Government.

The motion of Mr. REED was agreed to by a large majority, and a resolution reported to the House in the following words:

Resolved, That the Committee of Pensions and Revolutionary Claims, be instructed to report a bill granting a pension to the petitioner, out of the Navy Pension Fund.

On motion of Mr. INGHAM, of Pennsylvania, who wished this grant to the widow Cheever to be as distinct from other cases in its terms as it was in its nature—the resolution was further amended, by adding the words "or gratuity," after the word "pension."

And, thus amended, after a few words of general objection from Mr HALL of Georgia, the resolution passed without a division.

THE LOAN BILL.

The House again went into Committee of the Whole on the bill authorizing a loan for 1814.

Mr. CULPEPER of North Carolina resumed the floor, which he had relinquished on Saturday for the purpose of adjournment, and in a short time concluded what he had to say on the subject, as given in preceding pages.

Mr. HANSON addressed the Chair as follows:

Mr. Chairman: With difficulty I have been brought to participate in this discussion. Many days after the bill was reported, the intention had not entered my mind. By engaging in it, I knew a burden would be imposed upon me, under the weight of which, a more vigorous mind and constitution than I possess might stagger. I shall, nevertheless, with as much calmness and temperance as the magnitude and character of the subject will admit of, examine it in all the relations embraced by the reflections I have been able to bestow upon it.

Personally convenient and necessary as I have found it to abstain, heretofore, from any active concern in the current business of the House, or, indeed, to afford my due proportion of aid in the more important proceedings that have occupied the attention of gentlemen, yet, on this occasion, it seems to be required of every member to be an actor in place of a looker-on. I am influenced by feelings more lively than a mere sense of obli-

gation to my constituents, in lending a hearty opposition to the bill under consideration; or, if the gentleman who occupies the post of honor in the Foreign Committee (Mr. CALHOUN) prefers the expression, I will say, a "systematic opposition." Such an opposition I shall be always prompt in affording to the bad acts conceived and executed by incompetent men.

After the exhibition of such commanding powers of elocution—such rare faculties of reasoning—by the honorable gentlemen who have preceded me. I confess it is with extreme difficulty that I have brought my mind to encounter the mortification of following at so great a distance behind them. I will follow them, *longo intervallo*, well pleased if I have the speed and vigor to keep even in sight of them. Though I cannot hope to approach, much less equal their uncommon efforts, I may be excused for an humble attempt to emulate their bright example.

But, sir, now that I have taken the floor, when I look before me, and survey the vast and boundless prospect which the subject presents, my mind is almost overpowered. I scarcely know where to begin, how to proceed, when to conclude;—not that many topics of interest and magnitude do not remain untouched, through the considerate politeness of those who have preceded me; not that there is any dearth of reasons why the capacity should be withheld from those who evince a fixed determination to pursue a mad and ruinous career; nor that there are not still higher obligations than those imposed by a love of country, which command the patriot to break and diminish as he can the force of a blow aimed at her best interests—but it is setting one's self adrift upon the wide ocean; it is like hunting for arguments to prove an axiom—to assign reasons why this loan should not be granted—this war should be no longer persisted in. Could one plausible reason be assigned for its continuance, sufficient arguments might then be called for to demonstrate the propriety and necessity of its termination. Could encouragement be derived from the past, keeping alive hope for the future, to stimulate us on the one hand; on the other, more than a countervailing depression and despondency would be produced, by a calm contemplation of the wonderful revolution in the affairs of the world, since the fatal ever-to-be-lamented hour when Administration first had recourse to its "attitude and armour." Every consideration which can be suggested by minds devoted to the good of the country is arrayed against this bill. We have still much to lose, everything to fear, nothing to hope, and as little to gain.

For a long series of time, this Administration has been pursuing a phantom—grasping at the shade of a shadow. At this hour they are no nearer their unattainable object than when they first started. Like the infatuated alchymist, they have persisted in their experiments until the very means of continuing them are well nigh exhausted, and without the most distant prospect of realizing their visionary expectations. It may truly be said, the sword was drawn against ourselves.

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The Loan Bill.

H. OF R.

Failing in the hopeless attempt to subdue Great Britain, we were disgraced, humbled, deprived of many valuable lives; the nation was loaded with immense debt; the public safety jeopardized, or made to rest upon the humiliating and precarious reliance of an enemy's forbearance;—successful, the sword was sheathed in the bosom of our own country. England conquered, where should we have concealed ourselves from the searching eye of the fell destroyer—where found shelter from the tyrant's fury? Victorious, we were conquered, defeated, ruined. Such is the nature of the contest we are engaged in—a war without hope, carried on for objects unattainable.

Is any motive to be found for its continuance in its conduct, the events which have attended it, or what all must now join in believing will be its issue? With the same weak counsels; with the same incompetent men to direct our armies; with a divided, disheartened people; contending against a formidable nation, united to a man against us by what they conceive to be the justice of their cause; flushed by the success which has everywhere attended their arms, left without a rival on the globe;—what must be the consequence of adherence to feeble and desperate counsels? Released from her struggle on the Continent, let England pour her veterans into Canada, can we conquer that province? Let her restless marine, no longer restrained by motives of humanity, lay waste our seaboard, where are our means of defence? Already has army after army been driven out of Canada, captured, or slaughtered. Loan after loan has been negotiated and wasted, and without our rulers condescending to tell the people the causes of these disgraceful failures; but, when called by a solemn vote of this House to make known the causes, referring us to a mass of unmeaning documents, from which nothing is to be extracted but evidence of the incapacity and ignorance of all who have helped to swell the volume of trash; declaring it would be unsafe to trust the people's Representatives with a knowledge of the actual state of our army; refusing to tell, or unable to say, what has been the cost of the war, or how the supplies already granted have been applied; keeping the people in the most agonizing suspense and painful ignorance of the state of the nation. And yet we are called on to unite in a vigorous prosecution of this war! My moral sense, sir, revolts at the invitation. Neither threats, denunciation, nor entreaty, can force or seduce me to plant a poignard in the breast of my country, already bleeding and languishing under so many wounds.

I am already admonished, sir, to prescribe limits to the range of debate I find myself gliding into. I proceed, at once, to examine the budget before the House. It is with some diffidence I enter upon an examination of the estimates submitted by the chairman of the Committee of Ways and Means. That branch of the debate, I was content to have confined to the two honorable gentlemen (Mr. PITKIN and Mr. SHEFFERY) who preceded me. I must, however, endeavor to supply some striking omissions in

their luminous exposition of the public finances and resources. The prominent and great defect which runs through the exposition of the honorable chairman of the Committee of Finance is so important that I must claim the indulgence of the House while I attempt to explain it. Though the House has been amused by fanciful, fallacious, and exaggerated estimates, to show the capacity of the people to lend, it has failed to elucidate the ability of the Government to borrow. That ability depends upon the disposition of the people to invest money in the public stock. To produce that disposition, their interest must be consulted. It must be made their interest to lend, by furnishing sufficient Government securities, providing indemnity against loss. If a permanent, efficient fund is created, coextensive and coeval with the public debt, and that fund pledged for the payment of the interest, the capitalist may then see his interest in becoming a public creditor. You then create the ability to borrow, by producing a corresponding disposition to lend, which, in finance, are convertible. But if, from a fear of losing popularity by resorting to an odious system of taxation, you fail to provide a permanent revenue, adequate to the punctual payment of the interest, and looking to the gradual extinction of the principal of the debt to be created, the public credit must suffer, and the moneyed men will find it to their interest not to aid the loan. I have too much respect for the understanding of the House to enlarge upon this topic.

After a fair and deliberate examination, I pronounce the system of ways and means, submitted to the House, deceptive and disingenuous. These are strong and harsh terms, but I speak in the language of the distinguished gentleman who now presides in this House with so much ability, dignity, and impartiality. I speak the language of the late Committee of Finance, and of this House, who adopted the memorable report of that committee, which denounced and reprobated in the strongest terms the very system now recommended. I speak the language of every financier and political economist, whose opinions are respected in free and well regulated Governments, when I say it is ruinous and destructive of public credit to enter upon a system of loans without providing the ways and means commensurate with the demands of Government; without creating and pledging a fund securing the public creditors in the punctual payment of the interest, and ultimate reimbursement of the principal of the public debt. It is a maxim in finance—a fundamental principle of public credit—never to borrow without providing the means of paying the interest, and finally extinguishing the principal. To act upon a different system—to rely upon loans to pay the interest of loans—is to adopt a most desperate system of fiscal gambling; sapping the foundation of public credit, and conducting to national bankruptcy. Well versed in finance, the predecessor of the present chairman of that committee could not be induced to sanction, much less recommend, a system of ways and means founded in a

studied concealment of the public finances, and not built upon the substantial resources of the country. Disdaining to act upon a system of temporary expedients, to preserve the people's favor at the cost of the country's interest, he frankly communicated to the House the real state of the finances. He acknowledged the wants of the Government; he introduced a system of revenue to meet the public exigencies, and preserve the public credit. Gentlemen cannot so soon have forgotten the letter addressed by the Hon. Langdon Cheves to Mr. Gallatin. The reply of that Minister must also be fresh in their recollection. So direct and explicit was Mr. Gallatin's answer in regard to taxes, that many at the time supposed—I was fully persuaded—his object was to deter the Congress from declaring war, by holding up to their view a frightful picture of internal taxation—the inevitable consequence of war. I must beg gentlemen to bear with me, while I read an extract or two from the report of the Committee of Ways and Means, to which I allude.

The President, in his Message of 1811, had suggested to Congress the propriety of providing a revenue "sufficient, at least, to defray the ordinary expenses of Government, and to pay the interest of the public debt, including that on new loans, which may be authorized."

The committee, in their report, thus respond to the President's suggestion:

"Any provision falling short of this requisition, would, in the opinion of the committee, betray an improvidence in the Government, tending to impair its general character, to sap the foundations of its credit, and to enfeeble its energies in the prosecution of the contest into which it may soon be drawn in defence of its unquestionable rights, and for the repulsion of long continued and most aggravated aggressions. Should the ruinous system of relying altogether upon the aid of loans for defraying not only the extraordinary expenditures of the present and succeeding years, but also a large portion, both of the ordinary expenses of Government, and the interest on the public debt, including that on new loans, be suffered to prevail, and no additional revenues be seasonably provided, it will result, that the loans which it may be necessary to authorize during the year 1813 must amount to at least \$17,560,000, and for 1814 to \$18,220,000—(this estimate was deemed liberal at the time, but it is twelve millions short of the actual demand)—an operation, which, by throwing into the market so large an amount of stock, accompanied with no adequate provision for paying even the interest accruing on such as may be created, but, relying altogether upon the decreasing ability to borrow for the purpose of paying such interest, must have a most unfavorable effect upon the general price of public stocks, and the consequent terms of the loans themselves. It may be added, that a system of that sort would, it is believed, be found to be altogether unprecedented in the financial history of any wise and regular Government, and must, if yielded to, produce, at no distant period, that general state of public discredit, which attended the national finances during the war of the Revolution, and which nothing but the peculiar circumstances of the country, and the want of a well organized and efficient Government, during the period of that Revolution, could at all justify."

Thus we find, sir, in language just as it is strong, the system of expedients now recommended, reprobated as ruinous, destructive of public credit, and evincive of the inefficiency and imbecility of Government. But, strong as are the terms in which the committee denounced the very system which is now to be adopted, rather than incur popular odium, by providing, in the only regular and practicable mode, the requisite ways and means, to leave no doubt of the fatal tendency of such a system, in their judgment, they proceed to condemn it in still harsher language:

"To have withheld from the public view a fair exposition of the probable state of the fiscal concerns of the Government, under the very first pressure of active war, or to have deferred submitting to the House such a system as in the opinion of the committee was indispensable to place the revenues of the country upon a basis commensurate with the public exigencies, would in their judgment have at once evinced, in the eyes of foreign nations, an imbecility of action and of design, the effects of which must be too obvious to be mistaken; and, as it regards our own country, would have indicated a policy as feeble and as short-sighted as it must have been considered deceptive and disingenuous—as unworthy the rulers of a free and enlightened nation, as, in its result, it would have been found fatal to its interests, and paralyzing to all its efforts."

It is impossible to add to the force of the report which I have in part read. I shall only impair its strength and weaken its application, by dilating upon the sound maxims and correct opinions it contains. The committee expressed its full concurrence in the opinion of the Secretary of the Treasury, given in answer to a call upon him for an explicit avowal of his opinion. Mr. Gallatin's answer contains this paragraph:

"That, what appears to be of vital importance, is, that the crisis should at once be met by the adoption of efficient measures, which will with certainty provide means commensurate with the expense; and by preserving unimpaired, instead of abusing, that public credit on which the public resources so eminently depend, will enable the United States to persevere in the contest, until an honorable peace shall have been obtained."

This report, leaving nothing to be added in condemnation of the very system so much deprecated at the commencement of the war, and now proposed to be acted on, was adopted by this House. When, therefore, I pronounced the exposition and estimates of the honorable chairman of the Committee of Ways and Means to be deceptive, fallacious, and disingenuous, I used the language of a committee of this House—a language not reproved by the House itself, when it received the report of that committee—language that will be continued to be applied to the ruinous, deceptive, and disingenuous system, under consideration.

But, sir, I need not rely upon the Message of the President, the letter of the Secretary of the Treasury, the report of the Committee of Ways and Means, and the opinion of the Court party here expressed by the reception of that report, in applying suitable epithets to the Exchequer budget.

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The Loan Bill.

H. OF R.

Out of his own mouth will I condemn the honorable Chairman. At the last Summer session, the gentleman, as chairman of the committee he still presides over, introduced a report, which the House will indulge me with reading in part:

"They (the committee) deem it unnecessary to say anything as to the necessity of providing additional revenue at a time when the general rate of expenditure has been so much increased, by measures necessarily connected with a state of war." "A provision for an additional revenue can no longer be delayed, without a violation of all those principles held sacred in every country, where the value and importance of national credit have been justly estimated."

And yet, sir, the honorable chairman who addressed this House and the nation in the manner mentioned, after a few short months, has overlooked and disregarded all those sacred principles, the violation of which he so much deplored.

A little attention will show the great deficit in the revenue to meet the interest of the public debt, the interest upon the new loan, and the expenditure of the Peace Establishment. By the Treasury report, it appears that a revenue of \$12,050,000 will be necessary to defray the expenses of the Peace Establishment, and satisfy the interest of the public debt. To meet this sum of twelve millions and upwards, the acting Secretary of the Treasury, in the annual report of that Department, on our table, estimates the receipts into the Treasury as follows:

| | | |
|----------------------------------------|---|--------------|
| From customs and sales of public lands | - | \$6,600,000 |
| Internal revenues and direct tax | - | 3,500,000 |
| Balance in the Treasury | - | 1,180,000 |
| Total | - | \$11,280,000 |

| | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|-----------|
| Making an acknowledged deficit of | - | \$770,000 |
| For this deficiency no provision is made or proposed. To this deficit, admitted by the Head of the Treasury Department to exist in the sum mentioned, ought to be added | - | 1,180,000 |

| | | |
|-------------------------------------------------------------------------------------------------------------|---|-------------|
| Being the balance in the Treasury, at the commencement of the present year, which will swell the deficit to | - | \$1,950,000 |
|-------------------------------------------------------------------------------------------------------------|---|-------------|

The balance in the Treasury, at the commencement of the current year, can fairly be said to form no part of the revenue to pay the expenses of the Peace Establishment, and the interest of the public debt. It cannot be considered a part of the income of the year 1814, because it has heretofore been appropriated, and must be wanted to satisfy unsettled claims, that have accrued the last year. So that a real deficit of nearly two millions exists, which no funds are provided by law to make good. But a fair deduction being made from the sum charged for the sales of public lands, and the revenue from the customs and sales of public lands will considerably increase the deficit stated.

| | | |
|---------------------------------------|---|-------------|
| The sum so arising is stated at | - | \$6,600,000 |
| Being reduced one-third, and added to | - | 2,200,000 |
| The deficit already made out | - | 1,950,000 |

| | | |
|---------------------------------------------------------------------|---|-------------|
| Will make a total deficit, admitting the land tax to be renewed, of | - | \$4,150,000 |
|---------------------------------------------------------------------|---|-------------|

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To reduce, one-third, the estimate of revenue to arise from commerce and sales of public lands, is proper and necessary, if our object is to arrive at truth. These sources of revenue can hardly be said to exist. During, the war, which has caused the devastation and depopulation of the frontiers, it is evident not much can be expected to be derived from the sales of lands.* During an embargo, reinforced by an extensive and rigorous blockade of the enemy and of itself—so rigid that it is a subject of exultation among its authors, that vessels of every description are chained to our wharves, and the ports are hermetically sealed—during a rigid enforcement of a non-importation law, what revenue can be derived from commerce?

The necessity then exists to provide additional revenue to preserve the public credit, and to regard those maxims and principles set forth in such strong language, and so highly recommended by the House on a former occasion.

Sir, it is an anomaly in political economy—it is a departure from the fundamental principles of public credit—to create a debt without providing the ways and means adequate to the payment of the interest. So say all the writers on finance; among them Mr. Gallatin himself, in his book upon finance, and the ever-to-be-lamented Hamilton in his works. This deceased statesman may be truly called the founder of the public credit of this nation. Called to the Treasury, he found the finances of the country in the deplorable situation they are described to have been in at the close of the Revolution. But, before the magic force of his genius, our fiscal embarrassments disappeared. He extracted order from chaos—light from darkness. He made confidence to take place of distrust and general discontent. In the celebrated report of this great man, whose services to his country are second only to those of our great political father, we find the foundation of the argument I am feebly endeavoring to sustain:

"The Secretary ardently wishes (says Mr. Hamilton) to see it incorporated as a fundamental maxim in the system of public credit, that the creation of debt should always be accompanied with the means of extinguishment. This he regards as the true secret of rendering public credit immortal."

The comment upon this text is afforded by the financial system of Great Britain. Her Chancellor of Exchequer would as soon think of spunging the public debt, as to go into the market with his loan without providing the ways and means commensurate with the demands of the Government. He would be hissed off the Exchange.

The public credit should be guarded with the same vigilance and care that female chastity is to be protected. The Federal Administrations scrupulously regarded this great principle of finance. In 1798, when it was necessary, to meet

* The failure of the sale of lands, as a source of revenue, is manifested by the applications entertained by the House, on the part of frontier settlers, for a considerable extension of credit in their payments for purchases already made.—*Note by Mr. Hanson.*

the public exigencies, to borrow two millions of dollars in anticipation of the direct tax, the fund arising from it was solemnly pledged for the payment of the interest and the reimbursement of the principal. By pursuing the principles and advice of Mr. Hamilton, and the practice of all well regulated Governments, was the credit of this country established. The means by which it is to be destroyed, the House is now called on to sanction.

The present men in power have not only endangered the public credit by a violation of "all those principles held sacred by every country," but they have deliberately violated the public faith. The fact is demonstrable. The eight million sinking fund, pledged for the payment of the old public debt, has also been pledged for the payment of the eleven million loan, the sixteen million, the seven and a half million loan, and it is to be again pledged for the twenty-five million loan. The same sinking fund is also pledged for the redemption of the Treasury bills. These Treasury bills, by law, are made receivable at the custom-house for the imposts. These bills, possessing no intrinsic value—a mere artificial value, imparted to them by the fund pledged for their redemption—destroy the value of that very fund. The sinking fund is rendered valueless, and may ultimately, as far as it is derivable from commerce, consist merely in these bills, which are a legal tender for commercial duties. This position is so evident that it requires no illustration.

I must now be indulged with a few remarks upon the ability of the Government to borrow, or the capacity and disposition of the people to lend. It has been admitted by one gentleman that the loan would be filled. I entertain no such opinion. I believe it will fail. Unless a most exorbitant interest is given, it must fail. Nor is it certain that any premium will insure success.

The Eastern States, being free from blockade, have become the depot of most of the foreign articles imported into the United States, for the supply of the whole American continent. These articles, owing to the combined efforts of the public enemy and our own Government, cannot be paid for in the produce of the Southern and Middle States, and must be met by specie. If the coasting trade were not destroyed—if the trade of the several States with each other had to contend only against the public enemy, the debt thus accrued, in favor of the North, would have been discharged during the Winter months, by the bulky articles of Southern growth, easily transported by our coasting craft.

The President, in a manner not to be disregarded, recommended to Congress to stop this traffic. The mandate was obeyed; and specie alone must go to meet the demands of the merchants of New England. This causes such a pressure from the East, on the banks of the Middle and Southern States, as will deprive them of the means, if they have the disposition, to fill the loan. The accumulation of capital in the State of Massachusetts alone, enables that State, by pressing New York, to reach the extreme South-

ern end of the chain of banks. It cannot be concealed, or denied, that a very general alarm is felt for the critical situation of the banks, produced by an accumulation of capital to the North in the manner mentioned. The consequence is, that the whole circulating medium of the country is in danger. Sir, gentlemen seem not to be aware of the difficulties with which they are beset. I do not wish to ruffle their serenity, by exciting apprehensions; but they should be prepared to encounter troubles which they have hitherto been strangers to. They should be prepared for an explosion, the noise of which may not reach their ears in time for their retreat. The very foundations of the Government tremble beneath it. The ground on which Ministers stand is hourly washing from under their feet. Let them fail in their loan, and they are undone. They have no excuse for not providing the ways and means called for by the public exigencies but the fear of offending the people, and yet the popularity of the war is the favorite theme of its authors. A crisis has arrived in the finances of the Government, which, unless promptly and vigorously met by efficient measures, will bring on certain ruin. The credit of the Government once destroyed, cannot be easily reinstated. It must be destroyed if this system is pursued.

I will proceed now, Mr. Chairman, according to my original design, to examine the points in dispute between Great Britain and our Government, and endeavor to trace the events which have conducted us directly to this war. If I succeed in satisfying those, whose minds are not steered against conviction, that instead of honestly and sincerely endeavoring to adjust our differences with Great Britain, the Administration has undeviatingly pursued the opposite course of provoking and exasperating England, I shall at least stand acquitted for the opposition I give this bill.

By referring to documents on your table, sir, it will appear that a negotiation was opened at London in 1804. It continued until 1806, when it was brought to a happy issue by the conclusion of a Treaty of Commerce and Amity signed by Messrs. Monroe and Pinkney. It merits particular notice, that pending this negotiation, and when there was every reason to expect a beneficial result, in the same spirit of insincerity and unfriendliness which has since characterized every correspondence and negotiation with Great Britain, a law was passed by Congress, through Mr. Jefferson's influence, calculated, and no doubt intended, to produce a rupture of the negotiation. I allude to the celebrated non-importation law of 1806. The avowed object of this act of the Government was to coerce Great Britain to concede what we demanded—to obtain by compulsion what was to be secured through friendly discussion and mutual concession. This compulsory measure could have but one effect, if, indeed, it be not certain that such was its object—to excite a temper and irritation in the British Ministry, which would thwart the efforts of our Ministers to obtain a satisfactory and honorable treaty.

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However it may have been intended and ardently desired, that the measure should be considered as a rod held over the British Ministry to intimidate and compel compliance with our demands, yet so ardent was their desire to preserve the relations of amity and commerce with the United States, that they accepted and signed a treaty, binding on their Government and left open for ratification or rejection by our Government. This treaty, as I shall hereafter show, was pronounced by our Ministers to be honorable for our Government, and highly advantageous to its interests. It was nevertheless angrily and contumeliously rejected, without even being submitted to the consideration of the Senate, the Constitutional advisers of the Executive.

I will briefly notice the three points of difference between the two countries, the adjustment of which was confided to Messrs. Monroe and Pinkney:

1st. Constructive, or, as they are denominated by the prevailing party, paper blockades.

2d. The carrying trade, or the rule of the war of 1756.

3d. Impressment of British seamen from American merchant vessels.

I will not detain the House by a discussion of the old question of blockades. It would be sufficient for my purpose to show that by the 10th article of the treaty of December, 1806, it was honorably and advantageously arranged. But whether it was so or not, the blockades were comprised in the more extensive system of the Orders in Council of 1807, and as those edicts have been repealed since the declaration of war, it will not be said we are now fighting on account of the blockades. They are now out of the question, as they form no part of the ground for continuing the war. I pass, then, to the second point in dispute, to wit, the carrying trade.

I take it for granted gentlemen know that the right was claimed by the United States to carry on a trade in time of war, which it is admitted we could not enjoy in time of peace—a trade between France, the mother country, and her colonies. Great Britain viewed this intercourse with a jealous eye, as indirectly aiding the great enemy against whom she was struggling for existence. She therefore required the neutral American vessel carrying the products of the colonies to the mother country to enter an American port, and unload her cargo, and to pay upon re-exportation a duty of one per cent. into our own Treasury, and a duty of two per cent. to be paid upon the manufactures of the mother country, shipped to the colonies, under similar regulations. This rule was inconvenient to the merchant, but left the country in the full enjoyment of the great advantages of that lucrative trade, which enriched so many of our merchants, and poured so much wealth into the country. I shall not trespass upon the patience of the House by noticing the popular uproar raised by the “shackles imposed upon a lawful commerce.” It is sufficient to say, an honorable and advantageous arrangement, in the language of Colonel Monroe, upon this

point of difference, also was embraced in the 11th article of the rejected treaty.

The third, and what is now pronounced the vital point in contest, although the war was declared on account of the repealed Orders in Council, is the claim to impress British subjects from American merchant vessels. The Secretary of State, in a celebrated report, has taken occasion to avow that a repeal of the Orders in Council would not have prevented the declaration of war. Is this true? Then I am at a loss to know why Mr. Foster, for the last few weeks preceding the declaration of war, was so closely pressed to stipulate their revocation, while the grievance of impressment, if alleged as a cause of war, as it never was before the war, was kept far in the back-ground of the frightful picture, so often presented to the view of the people. But for once I am willing to take the assertion of the Secretary upon trust. Although it was pronounced a Federal misrepresentation and falsehood at the time, to say a repeal of the orders would not satisfy the Administration and prevent war, yet I am free to admit, I do believe such a repeal would not, under the then auspices of France, have dissolved the bonds which connected us with that Government. Bonaparte was urgent in his demands. He was to be put off no longer. We could not avail ourselves of the “new chances,” when the Russian Empire was overthrown, which the armies of the conqueror were ready to invade, unless we formally acceded to the Continental Confederacy. However, Mr. Chairman, I find myself imperceptibly sliding into a course of reasoning to which there are no limits this side the contemplated termination of the present session.

I come back, sir, to the question of impressment and the rejected treaty. But before I enter upon the examination of this question of vital importance, a few words in relation to the treatment and conduct of Colonel Monroe upon his arrival in America, after his treaty was rejected.

The question naturally presents itself, what could have induced Colonel Monroe, “one of the pillars of Mr. Jefferson’s happiness,” to sign a treaty sacrificing the honor of the nation, and compromising its best interests? What could have tempted him to negotiate a treaty so palpably bad as to demand an instant rejection? so flagrantly dishonorable as not to merit the ceremony of being laid before the Senate? so obviously disgraceful as to call forth the censure and condemnation of his employer? Good easy man, he little thought, at that time, for Mr. Jefferson intrusts to few the secrets of his bosom, that a treaty was the last thing that was expected or desired. He did not know that a treaty with England would be deemed equivalent to a war with France, and that in no event was offence to be given to France. He supposed instructions would not have been sent to England to negotiate, unless in sincerity and good faith a favorable result was desired for that negotiation. He was soon undeceived upon his arrival. He was sent into retirement upon his farm in Virginia

loaded with the reproaches of the Republicans, for having basely "abandoned the rights and honor of the country." For having done what was infinitely more unpardonable—for having endangered the integrity and existence of the Democratic party. A treaty with England would deprive Democracy of its food, of its natural aliment, without which it would pine and die. It would heal and hush animosity and clamor against that country. British antipathies, upon which the ruling party subsists, would be removed. This was his inextinguishable offence; to atone for which, he was driven from the presence of the Court, into banishment, in the ancient Dominion. He retired with those feelings which wounded honor excites—for he yet retained his honor. In his retirement he attracted the sympathy and compassion of the least zealous of all parties. The plan was conceived, and upon suggestion gained daily proselytes, to put him in nomination at the next election, in opposition to the present incumbent of the palace. The moment was critical and interesting. Mr. Jefferson, who has so long governed the country in secret, and who only retired after he had gathered a storm whose frightful aspect overpowered his nervous sensibilities, could not view unconcerned the dangerous schism which threatened the Democratic party. The Great Magician ascended the pinnacle of his favorite mount, and waved his wand over Richmond. It had an electrical effect. The parties were immediately brought to the famous conference at Monticello. All was instantly arranged. The disgraced Minister was reconciled and again taken into favor. His aberrations were pardoned. He returned to Richmond, and there received the requisite *whitewashing*, in the modern political mode. He was quickly exalted to the gubernatorial chair of the great State, as a preliminary step to a regular induction to the Office of State, which he now fills. Having sat out his appointed period upon the patent stool of political repentance, he then passed from his probationary state of Governor to his allotted station in the direct line of Virginia succession, and is ere long to mount the throne. Yes, sir, *James the Second* is ripe and ready to undergo the ceremonies of coronation whenever *James the First* shall see fit to abdicate in his favor. That the House may judge how far the present conduct and principles of the heir apparent are reconcilable with his former professions, I beg to be indulged while I read a few pertinent paragraphs from the book which he found it necessary to write in his vindication, while he was yet under the Royal displeasure:

"I have on the contrary always believed, and still do believe, that the ground on which that interest (impressment) was placed by the paper of the British Commissioners, of November 8, 1806, and the explanations which accompanied it, was both honorable and advantageous to the United States; that it contained a concession in their favor, on the part of Great Britain, on the great principles in contestation, never before made by a formal and obligatory act of the Government, which was highly favorable to our interest," &c.

"We were therefore decidedly of opinion, that the paper of the British Commissioners placed the interest of impressment on ground which it was both safe and honorable for the United States to admit; that in short it gave this Government command of the subject for every necessary and useful purpose. Attached to the treaty, it was the basis or condition on which the treaty rested. Strong in its character in their favor on the great question of right, and admitting a favorable construction on others, it placed us on more elevated ground in those respects than we held before."

"War, therefore, seemed to be the inevitable consequence of such a state of things, and I was far from considering it an alternative, which ought to be preferred to the arrangement which was offered to us. When I took into view the prosperous and happy condition of the United States, compared with that of other nations; that as a neutral Power they were almost the exclusive carriers of the productions of the whole world; and that in commerce they flourished beyond example, notwithstanding the losses they occasionally suffered, I was strong in the opinion that those blessings ought not to be hazarded in such a question. Many other considerations tended to confirm me in that sentiment. I knew that the United States were not prepared for the war; that their coast was unfortified, and their cities in a great measure defenceless; that their militia, in many of the States, was neither armed or trained, and that their whole revenue was derived from commerce. I could not presume that there was just cause to doubt which of the alternatives ought to be preferred."

These extracts, sir, speak for themselves, and need no commentary. How far, since he has been restored to favor, the Colonel has disregarded these opinions and proved worthy of his employers, may be gathered from an important occurrence during the Spring session. I claim the undivided attention of the House, while I explain the matter to which I allude.

It will be recollected, that during the Spring session, the President nominated the noted Jonathan Russell Minister Plenipotentiary to the Court of Sweden. Mr. Russell's character did not stand very fair before the public, on account of an alleged omission, on his part, to deny the assertion of the Duke of Bassano, that the French repealing decree, of April, 1811, had been regularly, and in due time, communicated to this Government, or its accredited agent at the French Court. Before acting upon the nomination, the Senate conceived it would be proper to ascertain, officially, the grounds of the suspicion against Mr. Russell's fidelity and truth. A committee for that purpose was appointed by the Senate, with instructions to wait on the Secretary of State, and inquire into the fact of the alleged culpable omission to vindicate the honor and veracity of his Government at the French Court. Having performed the duties assigned to them, that committee reported in form to the Senate, that they had called on the Secretary of State, and made the inquiry they were instructed to make, and that the Secretary had given for answer, that no official letter was in the Department of State containing the contradiction or communication required; but he informed them

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there was a private letter in his possession, which, he said, contained such a contradiction. Here ended the report in substance to the Senate; but I have it from the mouth of more than one of that committee—it is no secret, sir—that the said private letter was read to them by Colonel Monroe, but it contained no such contradiction.

Well, sir, about this very time, that the Senate was engaged in the investigation, the attention of this House was called to the same subject on motion of my distinguished friend from New Hampshire. (Mr. WEBSTER.) After much difficulty, the House adopted the resolution calling for the information. When behold! an official letter was produced, in due form, suitably dated, and regularly authenticated. Yes, sir, the very identical letter which Colonel Monroe had but a few days before solemnly told the Senate was not in the Department of State—not in existence! I claim permission then to place the Secretary on the horns of the dilemma. Either the letter was in existence, and in the Department of State when called for by the Senate, or it was not. If the affirmative assertion be true, then the Secretary was guilty of a wilful untruth; if the negative, then it must have been fabricated for the occasion, and deposited in the Department of State afterwards, to answer the purposes of the parties implicated. There is no evading this result—it is palpable—inevitable. We are brought to it by the testimony of the Secretary of State himself. This one act of legerdemain diplomacy fixed him in the confidence of his employers. The sin of negotiating a treaty with England was expiated—was more than counterbalanced by a successful extrication of the Ministry from extreme difficulty. He won the approbation and applause of his party. The sentiments of Colonel Monroe, in relation to a treaty with England, when left to think for himself, and at liberty to act independently, may be found in his letter of vindication. What his sentiments and principles now are, the world must judge from his actions. That judgment impartially formed will not vary much from the estimate I have made of his character.

After this digression, into which I have been led by Colonel Monroe's exculpatory letter, I will return to the question of impressment, which is the only remaining cause of quarrel with Great Britain, and for which the war is continued. England claims the right to impress her seamen from our merchant vessels. To take American citizens, she has never for a moment set up the extravagant pretension. The similarity of language and manners between the two people give rise to many vexatious abuses of the exercise of the right of impressment, and the only possible mode of accommodating the opposite claims of the two Governments is by negotiation and mutual concession. Struggling as England has been for existence, depending upon her marine for defence and protection, she could not permit neutral merchant vessels to be converted into an asylum for deserters from her service, without endangering her navy. Her seamen are her

right arm. You sever it from her body, or lash it tight to her side, whenever she is forced to permit her seamen to be tempted into neutral service by the higher wages and better treatment they there receive. The facility with which her subjects are naturalized in this country, the barefaced perjury which provides them with protections, without trouble or expense, reduced England to the necessity of exercising, as an act of preventive justice, what she claimed as a belligerent right, or submitting to the growing and alarming evil of losing her best mariners. As it could not be expected of her passively to connive at such an abuse of her rights and attack upon her national safety, nor expected of this country to sit quietly under the abuse of the practice of impressment, the difference could only be settled by treaty. It was so settled, as I have before shown by Col. Monroe, and upon terms precisely such as it is not denied Administration is now perfectly willing to accept. Nor can it be doubted they would have come to the same terms before, but from a fear of France, and a habit of submission to that Power. A wise and provident Ministry would have been content with an arrangement relinquishing the practice of impressment, without stipulating a formal abandonment of the principle.

I will say a few words upon the question of the right of a nation to the service of her subjects during war, and to seize them on a common jurisdiction. There is nothing novel in the claim of a belligerent to call home her subjects to assist in defending their country. She may take them by force to aid in the common struggle for self-preservation. A belligerent has a right to search neutral vessels. It has never been denied by our Government, though it has been disputed on this floor. In his famous letter of instructions to Mr. Monroe, Mr. Madison directs him to stipulate, in the treaty he was negotiating, for a renunciation of the claim to take from neutral vessels any person "not in the military service of an enemy; an exception (says he) which we admit to come within the law of nations, on the subject of contraband of war." The right of search is then admitted. For what may the belligerent search? For contraband of war, which is lawful prize to the belligerent; for persons in the military service of the enemy, whom she may make prisoners, upon the principle of preventing them from doing her future harm. If, under the acknowledged right of search, Great Britain could search American vessels, and take therefrom whatever was legal prize to the seizing belligerent, and could also make captive enemies' subjects, how much stronger is her claim to her own, to take what is neither enemy nor neutral, but what always belonged to her—her own subjects, whose services are required for the common defence? It being admitted that she may make prisoner of an enemy, to prevent his doing the belligerent future harm, why may she not take her own subjects for the same purpose of strengthening herself and weakening the enemy, by aiding in repelling his attacks? It stands to reason—it par-

takes of the justice of the principle of search and seizure, that a neutral cannot protect by forcible adversary possession the subjects of a belligerent, when it cannot protect the property or military subjects of an enemy. This is the dispute between us. We claim the right to protect British subjects out of the jurisdiction of our laws, by giving an extra territorial operation to municipal regulations. In his letter of instructions to Mr. Monroe, before referred to, Mr. Madison says, "if the law of allegiance, which is a municipal law," &c., and yet we claim to protect foreigners out of our jurisdiction, who owe but a local temporary allegiance to the United States, against the prior and permanent claim of their native country. It will be shown hereafter, that the arm of protection is to be extended beyond our territorial limits as well for foreigners of that description, as those who have undergone the legal process of naturalization. That we do claim the right of protecting British subjects, deserters or not, is to be found in every declaration and act of Administration. The same letter before referred to, page 11, contains this passage: "With this exception (contraband of war) we consider a neutral flag on the high seas, as a safeguard to those sailing under it." Thus, an asylum, a secure refuge is to be afforded by American merchant vessels to British deserters. It is for a recognition of this haughty and extravagant pretension, which no British Minister dare recognise, that we are at war. A pretension which they have reiterated they could not recognise, though they have as often manifested a sincere wish to come to an arrangement, which would be mutually satisfactory to both nations. Our Government has never met their wishes expressed on this subject by a corresponding disposition or overture. An abandonment of the right is what they have never ceased to demand. And when instructions to that effect have been uniformly given to Ministers, can any one believe a treaty has been honestly and sincerely sought by our rulers? To present the question fairly, by explaining the views and feelings of the British Government upon the question of impressment, tedious as may be the process, I must read a few extracts from documents before the House.

MESSRS. MONROE and PINKNEY held a conference with Lords Auckland and Holland, on the 22d of August, 1806. These Commissioners, always deemed friendly to this country, declared "that they felt the strongest repugnance to a formal renunciation of their claim to take from our vessels on the high seas such seamen as should appear to be their own subjects; and they pressed upon us with much zeal a substitute for such abandonment," &c. "They enforced this (say our Ministers in their despatch) by observing, that they supposed our object to be to prevent the impressment of American seamen, and not to withdraw British seamen from the service of their country, in times of great national peril, in order to employ them ourselves; that their proposal would effect this object; that if they should consent to make our commercial navy an asylum

for all British seamen, the effect of such a concession upon her maritime strength, on which Great Britain depended, might be fatal."

Although willing to accept a substitute, which would completely provide for the interest and secure the honor of the United States, it appears that Great Britain never would yield the principle.

In a despatch from our Ministers, on the 11th of September, 1806, they say the British Ministers asserted the right of seizing her own subjects, adding that "the relinquishment of it at this time would go far to the overthrow of their naval power, on which the safety of the State essentially depended."

In 1806, the British Commissioners referred the question to the law officers of the Crown, who reported in favor of the right of taking their own subjects, and the Commissioners themselves then added, "that the relinquishment of it was a measure which the Government could not adopt without taking upon itself a responsibility which no Ministry could be willing to meet, however pressing the emergency might be."

Having thus given their final answer, the British Ministers, still anxious to arrange the dispute upon impressment, submitted to our Ministers the subjoined counter project to that which Col. Monroe was directed to propose: "Whereas, when one nation is at war, and the other at peace, it is not lawful for the belligerent to impress or carry off from the neutral vessel seafaring persons who are the natives of the neutral country, or others, who are not the subjects of the belligerent; and whereas, from similarity of language and appearance, it may be difficult to distinguish the subjects of the two States, the high contracting parties agree, for the greater security of the neutral subjects, they will respectively enact such laws as shall subject to heavy penalties the commanders of belligerent ships, who shall carry off the subjects of the neutral on any pretence whatever." What, sir, could be more fair? or more fully answer the pretended claim of Administration? The proposal was, nevertheless, rejected. The British Ministers, still anxious to place the question upon the best possible footing for this country, addressed a note to our Ministers, from which I beg leave to read a short extract. They state "that instructions had been given, and should be repeated and enforced, for the observance of the greatest caution in the impressing British seamen, and that the strictest care shall be taken to preserve the citizens of the United States from any molestation or injury, and that immediate and prompt redress shall be afforded upon any representation of injury sustained by them."

In noticing this letter to our Government, Messrs. Monroe and Pinkney say, "everything is expressed in it that could be desired, except the relinquishment of the principle." But Mr. Madison, in his celebrated letter of instructions, of May 20, 1807, says to Messrs. Monroe and Pinkney, "you will observe that the proposition is so framed as not to comprehend among British

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'seamen those who have been made citizens of the United States, and who must necessarily be so regarded within their jurisdiction, and under our flag.'

We are at war then for a principle which Great Britain has declared she never would yield, although she was willing to compromise—for a principle which Mr. Monroe declares was "honorably and advantageously arranged" by the rejected treaty of 1806. This is the object of the war now avowed by its authors. I may hereafter show it was engaged in for objects altogether different.

Mr. Chairman, upon this question of impressment, allegiance, protection, and retaliation, which has been connected with it, gentlemen here may fret, rail, and argue, until doomsday. They may set up new-fangled doctrines, unknown to public law, and deny old and established principles, but as far as depends upon the opinions of the ablest jurists, and the practice of the oldest regular Governments, the point in controversy is long ago settled. It is immutably determined. It is inherent in the very nature of society and Government. If it were otherwise, every political society would contain the seeds of its own dissolution and destruction, instead of the great inherent principle of perpetuity and power. Sir, we have no right to the service of the subjects of a foreign Prince. We can, if we choose, and have the power, protect them against the superior claim of their native country—we may declare a war for such an object, but we derive no such right from social regulations or the public law of nations.

It is a fundamental maxim of the common law of England, which, I believe, we have no power to repeal, or just pretension to render nugatory in its operation, "that natural allegiance is perpetual, and cannot be affected by time, place, or circumstances, nor can it be changed by swearing allegiance to another Sovereign—the subject may to be sure by such means entangle himself, but he cannot unloosen the bands which connect him with his native country."—[See *Blackstone's Commentaries*.

Availing themselves of the indulgence of pursuing their happiness in whatever climes their fortunes may lead them, if they form engagements with another Government inconsistent with their prior and permanent obligations to their native country, it is an act done in their own wrong. They enter into a contract from its nature void, *ab initio*, because it requires two parties, both able, to make a valid contract. In the case mentioned one of the parties to the contract of naturalization was disabled from contracting. If the foreigner, owing original and permanent allegiance to his native country, from which he has no power to absolve himself, except by her consent, express or implied, engages to perform opposite and irreconcilable duties, he alone is to blame for the difficulties in which he may find himself involved. This I conceive a full answer to everything alleged of the hardship of naturalized citizens being forced to perform con-

flicting duties. Is it said naturalized citizens may be forced to bear arms against their native country, and therefore are entitled to protection from their adopted country, as native citizens are within, and without our territorial jurisdiction? They were not forced to abjure allegiance to their Government. The fault is their own, if they have "entangled themselves" by an act done in their own wrong.

In the case of retaliation presented to the nation, the President goes further than some gentlemen of the ministerial side seem prepared to follow him. He not only claims to protect foreigners naturalized by our laws, but this protection is to be extended to emigrants who owe merely a local temporary allegiance to this country. According to his delusive, unsound doctrine, those are to be protected who have "incorporated themselves into our political society," not according to our laws, but according to "the modes recognised by Great Britain." Now, sir, I am prepared to go a step further than has been deemed necessary from the actual case presented to our consideration. I say an Englishman, naturalized or not by our laws, if found in arms against his native country, is a traitor by the laws of his native country. I do not confine the position to British subjects naturalized here, and made captive within the dominions of their Sovereign, where the arm of protection cannot be extended, but if the armies of the enemy crossed the lines and invaded us in turn, and made prisoner a Briton in arms against Britain, he is as much a traitor as if taken in the heart of the British Empire. If, by the laws of England, her subjects cannot throw off their allegiance, and are taken in arms, no matter where, they must answer to the offended laws of their native country for the parricidal act. I can see no assignable difference in the cases, according to the laws of England, and who is born in that political society, is bound by its primary laws and regulations. They are not to be annulled, or altered, for the convenience of an individual, or the few, to the imminent danger or destruction of the many. Our naturalization laws can have no more binding effect upon other nations, than any other municipal regulation. By claiming to give them an extended operation to other countries, we interfere in their internal government. We set up the lofty and high-sounding pretension of legislating for the whole world—of making our acts grafts upon the public law of nations—of incorporating our municipal acts into the great code of nations. If we mean and are able to contend against a world in arms, this new and towering pretension may be persisted in, as similar innovations have been by invincible conquerors, who know no laws human or divine, that assign bounds to their ambition. Upon no principle, neither according to the previous admissions and practice of our own Government, nor the long established principles of other nations, can we maintain such a claim. It is hardly necessary to detain the House by reciting the circumstances of Clark's case, who was taken as a spy and dis-

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charged by Mr. Madison. The case of Williams, decided by Judge Ellsworth, in Connecticut, also shows by our laws, as well as those of Great Britain, that allegiance is perpetual. The celebrated case of McDonald, shows what the law and practice is in England and France, who never thought for a moment of resorting to retaliation, for the trial and condemnation of an adopted citizen who had lived in France from his infancy, held a commission in her service, and was taken in arms against England, and tried as a traitor. Such men are traitors, in the legal true sense of the word, and ought to be treated as such. The good of society and the safety of Governments require it. If, to protect them, we resort to a bloody, ferocious, exterminating system of retaliation, we shed the innocent blood of our own countrymen. We cause the blow to be struck, though we do not immediately aim or direct it. I say then, without reserve, if the President proceed in the ruthless bloody business he has commenced, he is answerable here and hereafter for all the American lives wantonly sacrificed. Posterity will pronounce him guilty, and heap maledictions upon his name. The unnatural deed will blacken the page of our history. When the party contests of the day are forgotten; when the passions engendered by political strife have subsided; when reason shall resume her throne, and the present generation is swept into the silent tomb, those who live after us will pronounce a dreadful judgment upon the chief actors in this tragedy of blood and murder. As Chief Magistrate of this Republic, I owe your President, sir, much respect, still I have no oil of adulation to pour upon his head. As the chief of a party, I turn from him with instinctive dread and loathing, still, so prosper all my efforts here, I wish him no other ill, than that he may live long enough to see his errors—to become sensible of the miseries and afflictions he has brought upon this abused people—to repent and reform!

The question of impressment was advantageously and honorably arranged, in the opinion of our Ministers. Not a doubt is now entertained that Administration would hail with joy a treaty similar to that rejected.

The second reason assigned by Mr. Jefferson for rejecting the treaty was, that the British Ministers reserved the right of retaliating the Berlin decree, if it was not resisted by this Government. I say, without any such reservation, she would have been perfectly justifiable in adopting a system of retaliation, after a reasonable time allowed this Government to resist that edict. But she was so anxious to leave this Government without a pretext for discontent, that she would not resort to the laws of self-defence without due notice to us, collaterally involved by this commercial warfare. Instead of receiving this avowal of the necessity to which England might be reduced, of inflicting upon France the evils of her own injustice, in the spirit in which it was made, it was another reason with Mr. Jefferson for rejecting the treaty. And here permit me to say, that no man of an independent discriminating mind, and

of sound judgment, can doubt the justice of the British retaliation of the Berlin decree, as far as any neutral was concerned, who had acquiesced in that decree. Otherwise the contest with France would have been most unequal. Allies in the disguise of neutrals could shield France, while the breast of Britain was bared to the sword of her enemy. But it was not for Mr. Jefferson to become a party by implication, as he feared it would be deemed in France, to any plan of resisting the great system of commercial annihilation commenced at Berlin. No, Bonaparte's attitude at that period was too imposing to allow of such rash counsels as implied an attachment to commerce, and a determination to oppose a barrier to French encroachments. "The great and generous Napoleon" had just broken into fragments the triple coalition. Prussia struck down, and her power broken to pieces; Russia driven to her frontier, and converted to an ally from an enemy; the "supereminent Napoleon," seated on the throne of the Great Frederick, was dictating law to the commercial world. The Berlin decree was the commencement of the very system to which we are one of the very few parties left. It was intended to incorporate into the new commercial code the very principles which have been contended for on this floor; nothing, therefore, could have been more remote from Mr. Jefferson's wishes or intentions than any stipulation which looked like resistance to the Berlin decree. Under such circumstances, and at such a time was it, that the treaty was rejected. At a time when the prophets and wise men here talked familiarly of a national bankruptcy in England, or of her speedy overthrow by Bonaparte, if a civil war was not produced by our restrictive energies, which were driving the manufacturers to madness and desperation. From this time we were gradually drawn into the great Continental Confederacy, the principles of which were sanctified by the decree of Berlin. Now came the vaunted Treaty of Tilsit. It was the corner stone of the immense fabric built upon the Berlin decree. At Tilsit was digested and methodized the grand scheme of commercial annihilation, commenced at the Prussian capital, not many months previous. By enticing or forcing all the States of the Continent in this league, their ports were to be shut against British commerce. How far the continental system succeeded among the States of Europe the world well knows. How far, thenceforward, Mr. Jefferson evinced his steady purpose of uniting in the war upon commerce, is to be collected from the acts of Administration. Tedious as I may be, yet it is necessary, to arrive at the results I propose, to take a rapid view of some of the acts of co-operation with France, which stain our statute book. The embargo stands first and pre-eminent in this black catalogue. It is notorious; it was familiarly talked of in the Paris coffee-houses. It was a topic of *tête-à-tête* in the coteries of the Imperial Metropolis. Our Minister in France gave warning of the measure. Merchants on the Continent wrote to their correspondents here to prepare for

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an embargo upon all our ports. At length despatches arrived from General Armstrong, and as quick as the thunder succeeds the flash that announces it, our ports were sealed. An embargo unlimited as to duration, and universal in extent, sat like *Incubus* upon the land, blasting its best fruits more than all the congregated fluids of the heavens poured down at once upon our crops. How are we to account for this foreknowledge in France of measures to be adopted here? How for the decree promulgated by Bonaparte, avowedly to enforce the embargo? There is but one explanation. But it is not the least mortifying circumstance, that while the rays of the great political sun of Europe illumined the track of merchants and speculators on the Continent, our poor outcast merchants and deluded people were left to grope in the dark, without a faint glimmering of light to guide them. It is enough to add, "Napoleon the Great" applauded the embargo, as a generous renunciation of commerce, rather than submit to the shackles imposed on it.

The next important event, which forms one of the links in the chain which connects us with France, is the Grand Congress at Erfurth, in November, 1808. There the system of commercial annihilation, stipulated at Tilsit, was to be more completely organized, and rendered universal. I do not say, sir, we were avowedly and in due form represented at that Congress. But, one fact is established beyond contradiction: a Mr. Short, whose name had not been heard before by one man in ten thousand, was secretly despatched, *via* France, in good season to arrive at that Congress. Although I have always understood he travelled quite as rapidly as Mr. Barlow, who lost his life by dancing attendance on Bonaparte, I cannot say that he arrived in time to take his seat in the General Congress. One thing is certain, if he went upon any other errand, it never has been stated, while the appointment of the man, and his mission, was at the time as unknown to the people as the "secrets of the prison-house." It is equally certain, when he was afterwards nominated to the Senate, he was unanimously rejected. His appointment was contrary to law, because there was no vacancy to fill during the recess of the Senate. But, Mr. Jefferson had done what he wanted, and was not to be put off from his purpose. Disappointed in his man, he was not to be frustrated in his ultimate design. Mr. Adams was, therefore, nominated Minister to St. Petersburg. This son of the father had said, when the embargo was recommended, upon the high responsibility of the President, "the Senate should not doubt or hesitate." For so noble a sentiment he must be rewarded, upon the principle of buying off impatient and hungry office-seekers. And I do fear, we have as yet had only a foretaste of the efficacy of this mode of purchasing supporters for the Administration. On Mr. Adams's subject, I have only to add, there is a region in Russia that would be a fit clime for a man of such pliable patriotism and convenient principles to spend the remainder of his days.

The embargo, Mr. Chairman, came exactly in

aid of the invasion of Spain. As the legions of the conqueror were descending into her fertile plains like a mountain torrent, we did our utmost to make them the easy prey of their invader. We could do no more than was done, to say nothing of the attempt to steal from her, provinces, while she was struggling for self-preservation. Yet, gentlemen are restless, and become angry, whenever the fact of the co-operation of Administration with France is alluded to. Sir, I will consent to abandon my whole course of political thinking, and to be ranged under the Court colors, on the Treasury bench, if it can be shown in what respect the policy of Administration has been at variance with the policy of France for six successive years. It is a melancholy, degrading truth, that we have followed her track as faithfully, as fleetly, and as clamorously, too, as the keen-scented, well-trained hound pursues the fox. If occasional deviations have occurred, it was only because the trail was lost through the intricacy of the path, but the leader of the pack soon got upon the right scent again. His Imperial Majesty has no other ground of complaint against us, except that we have sometimes been thrown out in the chase.

I mean not to be understood, sir, as disputing the right of the majority to pass what laws they please, keeping within the pale of the Constitution—to form what foreign leagues or alliances they see fit. But, while I admit that it is the "prerogative of the majority to act," I maintain the privilege of the minority to protest. I shall ever claim and exercise the right of showing, by fair and manly argument, the fact of the co-operation of Ministers with France, and the baleful effect of such co-operation. When, sir, your journals show it—when your annals teem with evidence of a systematic co-operation with France, in all her views, why are gentlemen startled by a reference to the fact? Why do their cheeks mantle at the charge of hating England, when they do burn with rage against her, and admiring France, when they once expressed that admiration as ardently as ever a lover wooed his paramour, or Cleopatra sighed for the embraces of her Roman Antony.

You relieved yourselves from the embargo, sir, by the artful arrangement of April, 1809, made in bad faith, and never intended here to be carried into effect, even if ratified by England. Its ratification in London was securely guarded against by the language in which it was made. But to make the matter sure, as if a double bond of fate were taken, the spirit and letter of the convention was formally contravened by a legislative act, admitting equally the vessels of war of France and England into our waters. Under that act, too, the Secretary of the Treasury issued a circular opening a trade with France through Holland, her dependency, so pronounced subsequently by Bonaparte himself, when he chose to chastise us for that arrangement. This was done in the same spirit and with the same view, that Mr. Madison interwove his invectives against the British Monarch into Mr. Smith's

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letter, before it was known whether the arrangement would be avowed or disavowed in England.

The embargo being "hissed off the stage," in the course of time, as the able gentleman from Virginia (Mr. SHEFFEY) told you, the nation was amused with "MACON'S little bill, No. 1," and "little bill, No. 2." It escaped the sagacity of the honorable gentleman that this little bill, No. 2, innocent and harmless as it appeared, contained the seeds of this war. It was intended to lay, and did lay, the foundation of the famous, I should say, infamous juggle of the celebrated Cadore letter. To enable the President to negotiate with effect, it conferred upon him legislative powers—the power to annul and re-enact a law of Congress. Even in the griping reign of Henry the Eighth of England, when a complying, servile Parliament clothed that Monarch with legislative powers, by giving to his proclamations the binding force of law, the people resisted the encroachment. The cry was, *Magna Charta* is invaded! and the voice of the people prevailed. The King submitted; not so here. Henry the Eighth was a griping tyrant, but not quite so stubborn as our master. Mr. Madison clung to his prerogative as Legislature as well as Executive, and he succeeded in legislating the country into a war. From the date of the Cadore letter, the Government travelled on step by step, until the country was completely emeshed in the toils of the usurper. We passed from non-intercourse to embargo, and to non-importation upon non-importation, fully persuaded that Great Britain had but a few short months to survive, and hoping for the glory of sharing the spoils with Napoleon. Dr. Franklin somewhere remarks, that "we assemble Parliaments and Councils to have the benefit of their collected wisdom, but at the same time we have the inconvenience of their collected passions, prejudices, and self-interest. By the aid of these, artful men overpower their judgment, and dupe their understandings. And, if we may judge from their edicts, arrests, and acts, all the world over, for regulating commerce, an assembly of great men is the greatest fool on earth."

Mr. Chairman, as early as 1794, Mr. Madison began to impregiate the minds of those who have since supported him, with all the absurd notions which now prevail of the efficacy of our restrictive energies. Ever since he has been in power, he has continued to test his favorite theory by lacerating the nation with his self-torturing suicidal system, which even to this day, against all experience, is persisted in. It will be persisted in with an obstinacy proportioned to the greater importance of preserving Mr. Madison's reputation for consistency, to relieving the people and preserving the Union. Sir, I am tired, tired, sick of this perpetual, never-ending, still-beginning recurrence to your restrictive energies, or in more appropriate language, your anti-commercial fooleries. What effect have they had upon England? no more than children's pop-guns would have upon the walls of Quebec.

Gentlemen now know that a non-importation law against England is a mere *brutum fulmen*. How has she regarded your tremendous, starving, non-consuming system, that was to drive her manufacturers to rebellion? You have not so much as checked or deterred her one moment in the gigantic, noble effort, to liberate the enslaved nations of Europe. Her means of subsidizing the nations, united in resisting usurpation and tyranny, have not been in the smallest degree diminished. The work of emancipation has progressed with a steady and a quickened pace. The glorious work of deliverance has now arrived at its proud point of consummation, in spite of all the laborious artifices here, to insure success to tyranny and usurpation. Feeble, feeble indeed, have been our measures against England and the Allies; formidable and afflicting to ourselves! But even now, sir, now that our Cabinet has been dragged by the collar to Gottenburg, to sue for peace, if they have the good luck to get a treaty which happens not to have submission written in capitals on the title page, I have not a doubt, it will be ascribed to the magical efficacy of your restrictive energies. So deep in love with this system are its authors, that even now, when the deliverance of the Continent has opened so many markets to the British manufacturer, that the supply is too small for the demand, yet no doubt, the system will be continued. Yes, enlarged, by another non-importation law! And for what? If for no other reason, to hold out the appearance that we have not been acting in concert with France heretofore, because we continue the system even after it is broken up on the European continent. This sort of management is very well understood at the palace. It is to be hoped, however, that gentlemen will state the reasons and objects at large for passing the non-importation law, which has come down from the Senate. That law, too, like the bounty bill, may be carried to Gottenburg in the pockets of our Ministers, by way of coercing England! And when the treaty comes, "I told you so!" will exclaim gentlemen; "see what our restrictive energies have done at last!" No doubt, sir, all the credit will be given to embargo and non-importation, and not to the defeat of Bonaparte. So have gentlemen succeeded in puffing this political catholicon, which, like all other nostrums, from the worm-destroying lozenges, and bump-dispelling lotion, down to the ichthointment, will never stand in need of a certifier to vouch for its infallibility. But, sir, this nation will not be forever the dupe of quackery and imposture. The signs of the times warrant a belief that the people in their hearts loathe these restrictive nostrums. The time is not distant when the grand inventor will not only cheerfully dispose of his patent right, but will strive hard to cast the credit and glory of his invention upon his adversaries.

Sir, when we look back upon the past, and forward to the future, I can see no claim that Administration have upon a single honest man in the country to support them one hour longer in

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their visionary schemes and impracticable projects. I call upon gentlemen to lay their hands upon their hearts and say, whether they have performed one promise, redeemed one pledge, from their accession to this day. What good have they done for the country? What mischief have they not attempted or executed? They came into power with their mouths full of promises, and are likely to go out covered with the curses of an abused and betrayed people. To acknowledge error, and retract, is of the highest order of virtue, but of an altitude above the reach of common minds. We have, then, nothing to hope from an acknowledgment and retraction. What, I say, were the leading professed principles of these men when they came into power? Love of peace, aversion to conquest, riveted attachment to liberty, regard for economy, and respect for the rights of other nations. Yes, sir, we were to have a *millennium* under Democratic rule. Federal sins and abominations were to be atoned for by the pious and goodly works of Democracy. This was all very fine, while the word of promise to the ear was kept, but for the performance let the condition of the country testify. To describe it would sicken the patriot heart.

Sir, as to your restrictive warfare, once more let me ask, what has it done for you? You pledged all your political character, you staked all your pretensions as statesmen, to bring the proud Monarch of the detested isle to your feet if the restrictive system were fairly tried. Did you not try it to your heart's content for one long and unbroken period of eighteen months? and were you not glad to get rid of it by a diplomatic manœuvre? From time to time, you tried a variety of other expedients, all eventuating in like failure and disgrace. Laughed at and ridiculed at home, made a by-word in Europe, you were jeered and goaded into war. Yes, you went to war, say some, because the minority laughed at you, and, it was said, you could not be "kicked into war." The same men now say, they will make peace if the minority will let them, that is, if they will not laugh at them for giving up all they have been contending for. You have tried war just as long as you have tried embargo, and instead of humbling England, as you promised, you have not been able even so much as to conquer her pitiful little province next door to you. She barely allowed you to cross her threshold, when you were driven back, covered, not with laurels and glory, but with shame and dishonor—the common fate of boasters. But how much blood and treasure this conquest of Canada has cost, the people will never be permitted to know. It would not be *republican-like* to tell them. They might abuse the confidence so reposed in them, in a manner not precisely according with the views, and pleasing to the nice sensibilities of their rulers. One thing is certain; you commenced with your tremendous, wonder-working, starving system, six years ago, you tried it in all its various and multifarious forms; and with what effect? wellnigh

to destroy yourselves. You then declared war. This was to strike England senseless to the ground. Take it altogether, sir, most curiously, indeed, have our affairs been conducted. You have pursued the true circular policy. Like a certain crawling animal, called the caterpillar, or like the dog trying to catch his own tail, you have gone round and round in a circle, without arriving an inch nearer your point of destination. You began in 1807 with an embargo, and here you are, in 1814, with an embargo again. Sir, it is time, high time, for rulers thus proved to be imbecile and incompetent, totally unfit to manage the affairs of this people, either in peace or in war, to abandon the elevated stations which they cannot fill, and to make way for abler and better men. Upon this subject I beg not to be mistaken. Let it not be supposed I would have the incumbents of power to give way in our favor. If I know anything of the views and feelings of the honorable and virtuous men who compose the party to which I belong, they want not power now; nor would they accept it under existing circumstances, unless to save the country. No, sir, such is the wide waste and desolation visible everywhere, that no man or set of men, who would undertake to repair these ravages, could preserve the people's favor longer than a single term. Your Government is made a perfect wreck; it is scarcely worth bringing into port. Such deep root has corruption taken in this country, that he who attempts to restore the Constitution to its original purity and force will engage in a fruitless pursuit; his labor compensating his pains. I repeat, no, sir. Select from your own party, if to be found, a man of honor, talents, integrity, and independent spirit. Such a man, who would be the Chief Magistrate of this United Empire, and not the chief of a faction, would unite the confidence of all honest men. Call him by what political name you please, he would receive the support of all good citizens. Such a man, so supported, might be able to reconstruct the dilapidated edifice of Government; to rebuild those institutions of freedom that have been so long decaying and tumbling in ruins about us. We will take power, sir, when the people fly to us for salvation; when they seek shelter from misery and oppression in the wisdom and virtue of Federal counsels, they will not find us shrinking in the hour of peril; when they fly from Democracy as from pestilence, famine, and nakedness, we will give them food and raiment, and healing medicines. Thus much, sir, in answer to the charge of opposing Government from a desire to obtain power.

Next, in the long list of measures of co-operation with France, comes the declaration of war, couched almost in the precise terms that Bonaparte had declared war for us not very long before—"War *exists* between the United States and Great Britain," &c. This measure was resolved on, just as Bonaparte was invading Russia. Having for a series of years aided France as far as in our power lay, in the plan of stab-

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bing England to the heart, through her commerce, we now drew the sword to despatch her in fair combat.

Bonaparte's first plan of conquering England was by invasion. Our rulers had not the glory of participating in this grand enterprise, which, when the bubble burst, turned out a mere blind for his designs against the Continent. After much blustering at Boulogne, and prodigal waste of treasure, the flotilla was abandoned, and the tyrant entered upon the execution of his vast scheme of continental conquest. This finesse of invasion was a servile imitation of an admirable stroke of policy by Julius Cæsar, who, meditating a blow nearer home, collected a large flotilla at Sipontum, Tarentum, and Brundisium, as a feint against Spain. So also was his celebrated interview with the Emperor Alexander, on the water, at the Treaty of Tilsit, in imitation of the meeting between Octavius, Young Pompey, and Mark Antony, in their ships drawn up in view of the Roman people, who lined the beach to witness this imposing spectacle.

The plan of invasion abandoned as chimerical, the grand object of overthrowing England was to be effected by a fair contest for the mastery of the seas. This second farce was to commence as soon as one hundred ships-of-the-line were ready for the exhibition. Terrible to England, and titillating to the republican sensibilities of the Napoleonites, who joined in the cry that "France had ships and we had seamen," as this mighty navy project was, it also was abandoned.

A new system was now started, to "conquer the freedom of the seas" by the destruction of commerce. In this *play*, Mr. Jefferson had his part assigned him in the cast of characters. The plot was simple, and to appearance happy and easy in its execution. The reasoning was catching and irresistible. The navy of Great Britain constitutes her power. It is the stay and prop of her empire; the pillar of her greatness; the sheet anchor of her existence; the great, and then the only barrier to universal despotism. The commerce of England maintains that navy. Annihilate commerce, shut the ports of the world against her, and the work is completed, the business is done. The props thus undermined, and the pillars torn away, the whole fabric of British greatness falls, and is crushed to pieces. France succeeds to the dominion of the seas, is resistless on the land, and the enslavement of the human family is sealed. I have already shown, sir, how this Government systematically and faithfully co-operated with France in her continental system.

Even now, Mr. Chairman, but yesterday, it was announced here, the Emperor, cooped up in Paris, like Louis XIV., in an address to his Senate of slaves, proclaims that the only States that adhere to him are America, Denmark, and Naples. The two last, he boasts, remain faithful to their alliance, while the United States continues a successful war against England! It is too true, sir, these vassal States excepted, we are the only people now ranged on the side of

France. We were the last to embark in the great imperial ark, which has so long rode triumphant on the waves of despotism. It was not the ark of safety, for it has foundered. Every soul on board is saved, or endeavoring to escape but us—poor Americans! People awake! abandon the wreck, or we sink and perish in it. A moment's delay may be fatal. While we deliberate, all may be lost. *Dum deliberamus incipendum, incipire jam serum fit.* See! there is but one shattered plank remaining between our country and the abyss below.

I had much to say, Mr. Chairman, upon the subject of opposition, and the causes of the decline and fall of the ancient Republics, a topic introduced on a former occasion, by a gentleman from South Carolina, (Mr. CALHOUN.) This would naturally lead to a comparison of the character of our opposition, and the present situation of the country which demands it, and the character of the opposition by the men now in power, and the condition of the country when we were in the majority. From such a discussion we can have no motive to shrink. It is to be courted, and I hope will be pressed by others, so well able to exhibit the contrast in striking colors to the nation. I have not the strength left to trace the rise and progress of parties, and to compare their principles, professions, and actions. The history of Genet, Adet, and Fauchet; the attempt to force WASHINGTON from his neutrality; the clamor for war instead of peace, in 1794; the furious, desperate opposition to Jay's Treaty; Mr. Madison's resolutions, intended to produce war; Colonel Monroe's submission to the French Directory; his recall, and disgrace; above all, the whiskey insurrection; these constitute some of the items in the account of the character of the opposition made to us while in power. I gladly turn from the disgusting picture.

Tedious and desultory as my remarks have been, Mr. Chairman; worn out as your patience must be, and as is my strength, I must nevertheless claim further indulgence, while I offer a few remarks upon the subject of an armistice. As such an event is now ardently desired, certainly by the people, if it is not expected by the Government, it is proper to show how the Administration has met this question on former occasions, so shall we arrive at the probable result of our negotiation for such an object. I mean to show, how the Administration has made and met advances for an armistice, as it may have an important bearing on events which will sooner or later engage our attention.

Eight days after the declaration of war, 26th of June, instructions were sent to Mr. Russell, from which, while I read an extract, I ask the indulgence of the House: "If the Orders in Council are repealed, and no illegal blockades substituted to them, and orders are given to discontinue the impressment of seamen (mark! British or not, naturalized or not) from our vessels, and to restore those already impressed, there is no reason why hostilities should not immedi-

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'ately cease—securing these objects, you are authorized to stipulate an armistice."

Such were the conditions upon which a cessation of hostilities would be consented to by Mr. Madison. An actual renunciation of the practice of impressment must precede even an armistice. Great Britain, as a condition pre-requisite even to a suspension of hostilities, must relinquish the exercise of a practice which she claims as an essential right. It may be thought impossible that our Government betrayed so much presumption and folly as this demand pre-supposes; but let us see how Mr. Russell understood and construed his instruction. In his letter of August 24, 1812, to Lord Castlereagh, he says, "he is authorized to stipulate with His Britannic Majesty's Government an armistice, on condition that the Orders in Council be repealed, &c. and that orders are immediately given to discontinue the impressment of persons (not American citizens, but persons, deserters, or others) from American vessels." In other words, sir, as a condition precedent to a suspension of arms, Great Britain is, in the outset of the contest, to give up everything for which she has been contending, as absolutely as though she were beaten in battle, and conquered. A proposition for a truce would neither be made or listened to by our haughty, proud Cabinet, unless England yielded, surrendered unconditionally, and passed under the yoke. The power of England was considered still in the wane; our imperial ally was yet in the plenitude of his greatness. I need not enlarge upon this topic. Whatever relates to it is now understood, and begins to be felt by the whole body of people.

We may inquire impatiently, Well! how did Lord Castlereagh answer this demand of Mr. Russell, made in the language of his instructions? As was expected, desired, and no doubt foreknown by our rulers, if after all their experience they have yet learned anything of the English character. I will read his Lordship's reply: "I cannot refrain on one single point from expressing my surprise, that as a condition preliminary even to a suspension of hostilities, the United States have thought fit to demand that the British Government should desist from its ancient and accustomed practice of impressing British seamen from merchant ships, simply on the assurance that a law shall hereafter be passed," &c. Thus, sir, Mr. Madison was once more disappointed in the attempt to extort from the fears of England what she could not otherwise be induced to concede, as endangering her existence. Will the same language be held at Gottenburg? It depends upon another question—how fares it with the great belligerents? will there be a general peace? have dissensions sprung up among the allies? is the "Great Napoleon" stripped of his power and renown? are we to be no longer dazzled by the lustre of his foreign conquests?

But Governor Prevost offered us an armistice. It was instantly rejected by Mr. Madison. In a letter from Mr. Monroe to Mr. Russell, August

21, 1812, he says: "As a principal object of the war is to obtain redress against the British practice of impressment, an agreement to suspend hostilities even before the British Government is heard from on that subject, might be considered a relinquishment of that claim." And yet Great Britain was to relinquish all her claims, abandon all she contended for, to obtain a truce. This kind of reasoning at once puts an end to all armistices. An armistice implies submission by neither party, nor the abandonment of any point.

Another correspondence upon the subject of an armistice took place with Admiral Warren, showing on the part of Great Britain a continued desire for peace, on terms honorable to both nations, and compatible with the safety of her people. As further proof of the pretensions of Mr. Madison, I ask leave to read a short extract from a letter of Colonel Monroe to Admiral Warren. He says, "that a suspension of impressment during the armistice seems to be a necessary consequence. It cannot be presumed, while the parties are negotiating, that the United States would admit the right, or acquiesce in the practice of the opposite party." To remove all doubts of the pretensions and demands of our Government which they required to be gratified before a suspension of arms would be agreed to, I will read one more extract. It is from the closing paragraph of Mr. Monroe's letter to Admiral Warren: "If there is no objection to accommodation relating to impressment other than the suspension of the British claim to impressment during the armistice, there can be none to proceeding without an armistice to the discussion and arrangement of that subject—the great question being satisfactorily adjusted, the way will be open to an armistice." First settle what we are, or we say we are, fighting for; give up your claim of impressment; acknowledge yourself in the wrong; concede what we demand, and then we will agree to a truce. In other words, there shall be no suspension of arms until the objects of the war on our part are fully obtained and completed. What were we to relinquish in return for such a concession of essential and vital importance to England? Comparatively nothing; in fact nothing upon which England placed the value of a farthing. Will the same tone be preserved at Gottenburg? How fares it with the Continent? Is Philip sick?

To agree now to an armistice, which is not preceded by, or does not include an arrangement of the question of impressment upon terms consistent with former pretensions, will be submission, not on the part of the country, but by Mr. Madison. It will be hauling down the colors of the Administration.

Every moment, sir, that this war has been continued since the armistice agreed on between Governor Prevost and General Dearborn, it has been under a new character, whatever may be said of its justice when declared. The policy, necessity, and justice of the war, was a settled

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question when the armistice was rejected. * If ever just, it became from that moment unjust, wanton, and unnecessary, as it has been uniformly ruinous and disgraceful. And yet, sir, defenceless as we are, our seaboard unprotected, depending chiefly on the forbearance of the enemy, we are invited to grant more millions to be thrown away.

Upon the subject of supplies, a new doctrine is broached—nay, has resounded in this hall. No other than the slavish Oriental doctrine, that we, the immediate representatives of the people, are bound to grant supplies, as long as his Majesty and the House of Lords are opposed to peace. Suppose the Executive and Senate shall see fit to let their treaty-making power sleep for twenty years, are we bound to echo the sentiments of the two privileged estates of the new kingdom? What is the feature in the Constitution which gives this House its weight, its importance, its authority? It is the power of the purse. It is for us, like the Commons House of Parliament in England, to make or withhold appropriations. If ever there was a time, or if ever a time can arrive, when this boasted prerogative should be exerted in behalf of our suffering country, now is that time, when limits must be assigned to the mad schemes of conquest and ambition, or the country is irretrievably lost.

Gentlemen bounce when our defenceless situation is spoken of. Why, sir, I have no desire to render weaker in public estimation, the public defence, nor to diminish the resources of the country. What the means of defence are, and what they might and ought to have been, are topics worthy the consideration of the House. No man can deny, that a provident Administration might have placed the country in a situation to defy the enemy, and scorn his menaces. A tythe, I might almost say a centesimal part of the treasure wasted in foreign conquest—in the cruel invasion of unoffending neighbors, who were ready to sacrifice everything but honor and security for peace—the front and head of whose offending was loyalty to the Government of their choice, and resistance of all attempts to seduce them from their allegiance; of the money lavished upon profligate Court parasites and favorites, who make politics an article of traffic—of the money squandered in philosophical vagaries of moon-struck empirics—of the immense sums bestowed or thrown away upon such objects, but a part would have created a marine sufficient to meet the enemy upon the proper element, and to chase from our waters any fleet he could have conveniently sent here. No man can deny, if, instead of bethinking themselves solely of the means of obtaining and preserving power, for aught you or I know, sir, to repair out of the public chest the ravages in their patrimonial estates, if they had any, which idleness and extravagance had made; if, instead of bargaining and huckstering for office, and sacrificing everything at the shrine of popularity, a liberal and enlarged policy had been adopted, emanating from generous bosoms and pure councils, and resting upon the great foundation of all

public virtue, disinterested love of country, then, sir, we should not have been reduced to the despicable, ignominious condition which makes the proud American almost ashamed to own his country.

Mr. Chairman, when we look for a moment at the present situation of our country, and contrast it with the power, resources, prosperity, and fortunes of England, it ought to bring gentlemen to a pause. They should determine at once to travel no further in the road to ruin, and to retrace their steps. I repeat, we have nothing to hope, everything to apprehend, from a continuance of this unequal, ruinous contest. It must be abandoned, or its authors will be driven headlong from power by the people.

How much better for the honor and fame of our rulers, for the glory and prosperity of the nation, would it have been, had their principles permitted them to pursue the counterpart of the memorable, never-to-be forgotten example of the Crown Prince of Sweden. The name of this illustrious warrior and statesman was introduced in debate by an honorable gentleman from North Carolina (Mr. Macon.) He named a prince, sir, second only to "Alexander the Deliverer," in the glory of saving a world from bondage; a prince, bound by no natural ties to the people whom he governed; raised to that Government by the hand of Bonaparte himself, yet declaring, that a sense of honor, gratitude to a people who had received him into their bosom, and a determination to maintain their rights against foreign encroachment, compelled him to resent the insolence and resist the violence of France. Bernadotte would not tolerate the insolence of an upstart French Minister, who assumed towards him the tone and port of a Roman Proconsul, talking to his slaves. He, too, was by turns wheedled, flattered, denounced, and threatened. No arts or menaces were untried to draw or force him into the French Confederacy; but he preserved his integrity, he maintained his independence and honor. He did not cringe, and bow, and coax, and in the spirit of meanness, "like a reptile crawling on the belly," entreat the tyrant's insolent Minister to take back his insults—or, only to erase from the records of his mission the evidence that they were given. He did not send a favorite right-hand Cabinet counsellor from Stockholm to Gottenburg, to persuade a French Minister to recall or modify his abuse. He did not pick a quarrel with a British Minister, and dismiss him to propitiate the tyrant, and soothe the anger of his irritated Minister. No, sir, this detestable Crown Prince, now so odious in the estimation of the patent republicans; this "traitor" disdain to truckle to a tyrant. He would have cut off his right arm—he would have laid his head upon the block and bled, as every man of true courage and honor would have done, in preference to such a dastardly sacrifice of honor; in preference to such high treason against all that adorns, and exalts, and dignifies, individual and national character. No, sir, "Bonaparte's Sergeant," as he is now contemptuously denominated, because he too

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would not be tied to the imperial cart-tail, and consider it a distinction to be dragged through the same mire and thorns that have so beslimed and wounded this people, appealed to the sword, and maintained his own honor, and the independence and glory of Sweden. No bribes, nor menaces, nor temptations, could compel or seduce him to adopt that fatal system of the Destroyer, which was the commencement of our suffering, and is the continuance of our degradation.

Mr. Chairman, how much more solemn and impressive are the considerations which should have found their way to the bosoms of men, elevated to the highest offices in the gift of a free people, by the fair exercise of their elective franchise. The Prince Royal was a stranger, placed to rule over a people to whom he was bound by none of the tender ties of country, yet he set an example of fidelity and attachment to the Swedish cause, to the great cause of humanity, for a parallel to which we may look, but look in vain, into the policy and measures of our rulers. We must turn our eyes to the vassal States of Europe, if we search for examples that have been followed here.

Mr. INGERSOLL spoke as follows:

Mr. Chairman, this appears to be the saturnalia of legislation; when the servants of the people, laying aside the performance of the duties assigned to them, together with all regard to business for the time being, take an annual occasion of entertaining themselves in saying just what each one thinks proper of persons in authority. The state of all the nations with which the United States have any connexion, is brought into discussion in a debate on the state of the Union, according to the indefinite views of which so inexhaustible a subject is susceptible. I beg leave, sir, to avail myself of the privilege which I presume I may claim, in common with all others, to present such considerations to notice as have suggested themselves to my mind. Though I may not approve of the custom of unlimited debate, it is not for me to oppose it; and I flatter myself with at least the indulgence of the Committee, however I may trespass on their patience.

As it is but turning up the mere surface of our commercial embarrassments to begin with the Berlin and Milan decrees, and the contemporaneous British orders, with which gentlemen preceding me have bounded their inquiries, I shall make no excuse for rather a deeper exploration into the recesses of maritime aggrandizement and national hostility; referrible, as they are, to these inherent pronenesses to ambition and control that are at the bottom of all human actionss. I beseech the Committee, however, not to take alarm at this declaration. Though it is impossible to understand the subject without striking at any rate beyond the dates of our recent foreign annoyances, yet I have no design of wearying their attention with any disquisition at length into this diversified controversy. Even the extraordinary latitude which practice affords to our debates would be insufficient for such an undertaking. I shall, therefore, limit myself to the selec-

tion of certain prominent and memorable points of observation, and endeavor to make them answer all the purposes of exhibiting an outline, which every mind will be able to fill up as I proceed.

The position most natural, as well as most necessary to begin from, is, that according to the ancient, the uniform, and the legitimate law of nations, to be collected from treaties, from established usages, and from international convenience; according to the law of nature, applied to nations, which constitutes the law of nations—free ships make free goods. From an invasion of this reasonable and settled principle have proceeded most of the difficulties we are now contending with. I am not to be understood as breaking ground with an assertion that this country is bound to maintain in arms against Great Britain the abstract principle that free ships make free goods. Not at all. But I do mean to say that such is the ancient and recognised law of nations, and that, as a Power, whose policy is to be generally neutral and always commercial, it is most clearly and emphatically the interest, as it is the right of the United States, to assert and adhere to this great safeguard for the integrity of their flag and foreign trade. I mean to say further, that the origin of our prevailing troubles is to be traced to infractions of this undeniable principle, interpolated by belligerent exigency on neutral immunities; and that the war we are now reluctantly waging, with all the odds of military and naval experience and capacity against us, is a struggle forced upon us by the aggravated consequences of original infringements of this rule. To support this ground, I shall first ask the attention of the Committee for a few minutes to some of the principal features of the celebrated Treaty of Utrecht, which was concluded in the year 1713. It is not necessary for me to recall the circumstances under which that great leading international compact was adjusted. All the commercial and principal sovereignties of Europe were parties to it. All the points of maritime controversy then in existence were arranged by it. Its authenticity and authority are of the highest order. Its conditions are explicit beyond contradiction. Its construction of the law of nations is conformable to those bases which the experience, the usage, the reciprocal pretensions, and views of the various nations contributing to it, had laid down as the best foundation for maritime peace and national independence. In a word, sir, it is one of the most remarkable and solemn testimonials on record of the principles of public law and justice. Now, sir, by this important instrument, the point that free ships make free goods is ratified and promulgated in its broadest acceptance. But one century ago neither England nor any other nation of Europe felt a doubt upon the subject. The points of maritime contest, then, were limited to the question of search and blockade, both of which are fixed on conditions, which then were of universal influence. The rule of 1756, as a certain mischievous and wholly unauthorized irregularity

has been designated, is of much later birth. As its very title implies, it never appeared until forty years afterwards. The extravagant addenda to contraband, the monstrous presumptions of proclamation blockade, the various other enlargements of maritime wrongs which have since found victims and advocates in America, together with impressment, are all of very modern introduction, though commonly defended as parts of the ancient stock of British maritime rights. At the time of the Treaty of Utrecht, sir, England had not the naval ascendancy she now holds by the sole tenure of conquest and usurpation. She did not, at that period, give law to the seas, nor had her statesmen and merchants, her naval commanders and Crown, the motives they now cherish for establishing those naval impositions which are to drive all laws and usages of nations from the credit they have heretofore received, at the same time and by the same means that they usurp their places. Before Great Britain became the first navigating community, the Republic of Holland enjoyed more commerce than all the rest of Europe put together. After reclaiming their territories from the ocean, the inhabitants of Holland, without any other articles of export than a little cheese and crockery ware, spread a greater quantity of canvass on the sea than covered the commerce of all their competitors. But the policy of Holland, unlike that of England, was pacific and conciliatory. The Hollanders relied on their enterprise, their skill, and their credit, rather than their navies, for success; they became the genuine champions and examples of neutrality and justice. The commentators on the law of nations, *Grotius*, *Bynkershoek*, and *Hubner*, are to this day what they have always been, the most respectable and authentic witnesses of the original provisions of that law. It is true, that *Grotius's* well known treatise contains nothing particularly appropriate to the doctrines of maritime neutrality. But we are given to understand by Burigny, his biographer, that he did compose a work, which, though unfortunately lost, expressly asserted the rights of a prior state of neutrality against the subsequent emergencies of a state of war. It is to such sources, to this nation, to these authors, that we are to look, not to Great Britain, for the first great principles of international law.

Let it not be supposed, however, that I press the Dutch into our service in order to oppose them to the English. By no means. I am aware indeed, and admit, that the Treaty of Utrecht, though negotiated by the first English statesmen of the age, Lord Bolingbroke and Prior, the poet, was received in England with censure and decided reprobation; that in Parliament there, as often in public since, it was mentioned as an unfortunate event for the commerce of Great Britain. But no objection was originally urged to its ratification on the ground of its containing the acknowledgment that free ships make free goods. I have carefully consulted, I believe most of the historians and State papers of that day; such at any rate as I could have access to, and I

can discover no opposition in England to the Treaty of Utrecht on this ground. No hostility was indicated there to a point against which all England is now up in arms. No; the motive to their hostility then was very different, and furnishes a curious contrast with the present state of their commerce, manufactures, and feelings. In 1713 the manufactures of France were in advance of those of England—especially (strange as it may seem) in the articles of woollen and toys, in which, after so inconsiderable a lapse of time, the English manufacturers are now so superior to France. England then condescended to make use of some portion of those restrictive energies for which the American Government has been latterly so much blamed and ridiculed. The English countervailing system against foreign manufactures being jeopardized by the Treaty of Utrecht, that treaty was warmly denounced by many of the English people. But on the score of maritime expediency, no objection was made to it; and, notwithstanding the uneasiness it occasioned as to domestic manufactures, it was ultimately adopted, and became in England, what it was everywhere else, the national law of Europe.

But I shall not rest on the Treaty of Utrecht alone for the English avowal or acknowledgment of the principle, that free ships make free goods. I need not rest this on the ground of either concession or merely treaty law. It is a position not conceded by England, but asserted by her, and long since the date of that treaty, in terms not to be disputed. The book, from which I am about to trouble the Committee with the reading of some passages, will abundantly sustain this declaration. It is the seventh volume of Parliamentary Debates, and so conclusively pertinent to my purpose, that I hope the Committee will excuse me for praying their attention to it. It will be recollected that, about the year 1737, Spain insisted on a right to stop, overhaul, and search British vessels, in order to ascertain whether they contained any articles contravening her interpretation of the Treaty of Seville. The relation then of England to Spain was very much what that of this country has since been to England. During three and twenty years did Spain persist in her seizures and condemnations of the ships of England on arbitrary and unfounded pretexes; and, during all that period, did England contain herself within the pale of unavailing expostulation and disregarded remonstrance. The language, however, of English remonstrance was much stronger than the American. It did not concede, even by implication, the right of search. It did not even tacitly acknowledge that free ships do not make free goods. On the contrary, England, so late as 1737, was first a sturdy beggar, and afterwards as powerful an advocate for British maritime rights as she has since been inexecutable and outrageous in the perpetration of maritime wrongs. I particularly entreat the attention of gentlemen to the few passages I am about to read from this book to prove what I advance. They will be found worthy of their notice. I

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shall content myself with a very few, as I must not trespass too long on the Committee, and leave the subject then to any refutation of which gentlemen on the other side of the House may think my argument susceptible.

"The same petitions having been presented to the House of Lords against the Spanish depredations, that had been presented to the House of Commons, their Lordships likewise took that affair into their consideration in a Committee of the whole House, the Lord Delaware being chairman; and, after the necessary examinations were over, the Earl of Cholmondeley stood up, and spoke to the following effect."

Lord Cholmondeley's speech then follows, at some length, which it is not necessary for me to recite. I pass on to the resolutions with which it concludes. They are in page 325.

"1. *Resolved*, That the subjects of the Crown of Great Britain have a clear and undoubted right to navigate on the American seas, to and from any part of His Majesty's dominions; and for carrying on such trade and commerce as they are justly entitled to in America; and likewise to carry all sorts of goods and merchandises, or effects, from one part of His Majesty's dominions to any other part thereof; and that no goods being so carried are, by any treaty subsisting between the Crowns of Great Britain and Spain, to be deemed or taken as contraband or prohibited goods.

"2. *Resolved*, That it appears to this House, that, as well before as since the Treaty of Seville, on the part of Great Britain, divers ships and vessels, with their cargoes, belonging to British subjects, have been violently seized and confiscated by the Spaniards, upon pretences altogether unjust and groundless; and that many of the sailors on board these ships have been injuriously and barbarously imprisoned and ill-treated; and that thereby the liberty of navigation and commerce, belonging to His Majesty's subjects by the law of nations and virtue of the treaties subsisting between the Crowns of Great Britain and Spain, has been unwarrantably infringed and interrupted, to the great loss and damage of our merchants, and in direct violation of the said treaties.

"3. *Resolved*, That it appears to this House, that frequent applications have been made on the part of His Majesty to the Court of Spain, in a manner the most agreeable to treaties, and to the peace and friendship subsisting between the two Crowns, for redressing the notorious abuses and grievances before mentioned, and preventing the like for the future, and for obtaining adequate satisfaction to his injured subjects; which, in the event, have proved entirely fruitless and of no effect."

The nobleman who followed the mover of these resolutions, was Lord Carteret, whom it cannot be necessary to remind this Committee was one of the leading statesmen of his day. This whole speech teems with illustrations of the principle that by the law of nations free ships make free goods; and abounds with expressions of the most lively indignation at England's long submission to the Spanish violation of this principle. In page 326, Lord Carteret delivers his sentiments as follows:

"My Lords—The noble Lord has been pleased to give the House a very accurate, and I believe, a very just detail of the treaties upon which our right to a

free navigation in the American seas is founded. His Lordship has shown us how far these rights have been encroached on, and what methods have been used by His Majesty for procuring redress; but, my Lords, I must beg leave to observe, that our knowing these rights is to no purpose, unless we fall upon a speedy and effectual way to secure them; and I humbly conceive, our agreeing to the resolution presented to the House by the noble Lord can never answer that end. There is one point in dispute, my Lords, betwixt us and the Spaniards, which, if adjusted, must either leave us in quiet and uninterrupted exercise of navigation and commerce, or must leave to Spain an absolute and uncontrollable sovereignty of these seas. The Spanish Court says, we have a right to search your ships; but no search are the words that echo from shore to shore of this island. This, my Lord, is what we ought to insist upon; for without this concession, all other concessions from the Spanish Court are to no purpose."

Again, in page 333, he uses this very decided language—

"Yet, my Lords, unless we obtain the concession from them of no search, be the grounds what they will, we in effect give them such a right; because, if we admit of one exception, of our restriction on their parts, there is not a ship of ours that trades lawfully on the seas, but what must necessarily fall within such exceptions and under such restrictions as will make her a lawful prize. Besides, my Lords, an absolute concession of this point from the Spaniards takes away chicane, it takes away all altercations, it takes away all grounds of dispute betwixt us and them, about latitude, possessions, prohibited goods, and all that. Thereby, my Lords, we do justice to them; we do justice to ourselves, we leave them in full possession of all the advantages to which they are entitled by treaty; we leave them in possession of the exclusive right of trading to their own settlements, so far as it is consistent with the treaty, for negroes; we do not deny their right to seize our ships whenever found trading in their ports and harbors; and this, my Lords, is all that we can prudently grant, or they justly demand.

"I shall trouble your Lordships no farther; only, I shall observe, that what I propose is the most likely way to prevent the encroachments of the Spaniards, not only upon us but upon other nations of Europe. There is not a Dutch skipper who will not tell us that no search is the only remedy to be applied in this case; no search, my Lords, is a cry that runs from the sailor to the merchant, from the merchant to the Parliament, and from Parliament, my Lords, it ought to reach the Throne. Wherefore, my Lords, I humbly move that the following words may be added to the noble Lord's resolution:

"And that searching of such ships on the open seas, under the pretence of their carrying contraband or prohibited goods, is a violation and infraction of the laws of nations, and of the treaties subsisting between the two Crowns."

The book is on your table, Mr. Chairman, for any gentleman to consult, who desires to examine it; and it will be found full of interest. I will not pursue it further. I have introduced these few extracts in order to show, as to be sure they do most unequivocally, how animated and how absolute the English were not very long ago in a cause they have since cast upon us to

defend from their own most indefensible violations.

Thus, sir, from the Treaty of Utrecht, the authority of the Dutch and the example of the English, we have memorable evidence of what all Europe considered the law of nations to be on that vital point for which I am inadequately contending. I hasten to show how, as it appears to me, its contraventions have arisen. For this purpose, allow me to bring very transiently into view certain circumstances which have contributed largely to the success of these unjust contraventions. About the time of the British debates to which I have referred, it was the good fortune of England that France was governed by Cardinal Fleury; under whose shrinking Ministry the French marine was suffered to fall into that decay and decrepitude from which it has never since been able to recover. Not long afterwards, the triumphant administration of Lord Chatham was justified by that best of all authorities, great success, in the introduction of some of those violations of international law, of which such floods have followed the first experiment—sustained as they have been by the continued and irresistible successes of the English navy. It was the war terminating with the peace of 1763, that witnessed the first appearance of the rule of '56, against which we have since had so much reason to complain. Cardinal Fleury had unhinged France and prepared her for reverses. Lord Chatham's genius took advantage of their situation; and making the most at the same time of his own, he added encroachments on the law of nations to his victories over the French, and was enabled by the latter to enforce at all events, if not to authenticate the former. The rule of '56 was an interpolation of the first impression. We may easily perceive what alarming effects such a violation must occasion on the privileges of forbearing neutrality. Like most other neutrals, the Dutch stopped on the threshold of remonstrance. Like all other belligerents, the English disregarded their importunities and went on.

It is not my design to dwell longer on these preliminaries. I have dwelt, I fear, too long on them already. But they are essential to the controversy. They are but a very few selections from a mass of transactions which might be adduced in evidence. I hope they have served to show, what certainly in abler hands they would prove beyond a cavil, that, in common with all other nations, England once acknowledged that free ships make free goods; and that she relied upon the power of her arms, not the justice of her cause, for the original introduction of those infractions of this principle, which have swelled since to such a bulk of injustice. There is only one particular remaining to be mentioned before I leave this province of the subject. That, sir, is the Treaty of 1786, between France and England, which followed the acknowledgment of our independence in 1783. By that treaty it is once more expressly announced to the world that the high contracting parties recognise the principle that free ships make free goods. And thus it ap-

pears that from the Treaty of Utrecht, in 1713, (and I need not have stopped with that treaty,) down to that which succeeded our own sovereignty, in 1786, the treaty law is clear, consistent, and undeniable, on the position with which I have labored to strengthen the deductions I shall next attempt to draw. And the treaty law is certainly to be preferred to all others, because it is the record of national, as well as individual agreement and understanding, placed before the world as the best rule of international action.

I now come at once to the war of 1792, which was the next succeeding that concluded by the peace of 1786. This war, which sprang from the French Revolution, was one of the Palace against the Cottage—a conflict of extermination—in which all the mitigation of hostilities, that time and refinement had sanctioned, were trampled out of sight. One of the first measures of England was the infamous starvation Order in Council, against which the American people and Government, under General Washington, so bitterly, though with so much reason, inveighed, till it was repealed. The extraordinary embarrassments occasioned by this Order, together with the system generally of which it was the harbinger, led to the negotiations which resulted in the treaty of 1794. It is not my purpose to speak of that treaty in a tone of censure, or to criminate any of the measures that followed from it. It is at an end, and the feelings that accompanied its existence may go with its demise. My object is to justify, if I can, the American Government, and to show the causes of its present posture. With this view it is not necessary that I should speak, even of our enemy, with an overheated violence; much less so that I should denounce any party in this country, in terms calculated to call forth feelings incompatible with a spirit of candid discussion. I have brought forward some commanding features in the laws of nations; I have pointed out their original infractions; it is my business now to prove, if possible, that some belligerent participation by this country in the strife that has shaken Christendom to its centre, became inevitable, without abandoning the commerce that involved us. In this pursuit, I regard the course of either England or France but as their measures bear upon ours. I shall not step aside on the useless inquiry, into which began to be unjust, which is most to blame, or which we have most to fear from or to hope. The effort I am engaged in is that of justifying ourselves; of vindicating the conduct of our own Government; of showing that the European struggle was not to be avoided, but by at least a temporary sacrifice of our foreign trade; that be the President who he might, the Administration in the hands of whichever party you will, war was inevitable, without either drawing in, or giving up the commerce whose protection has embroiled us. The wonder ought to be, and the merit, that hostilities have been averted so long. It was barely possible to procrastinate, impracticable to shun. The procrastination was purchased by sacrifices of the most impolitic cost to the American char-

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acter and resources. War was inevitable. It became so almost as soon as the struggle in Europe began. It is not so difficult now to complain of what might have been, but was not done. But can any man even now say, what policy would infallibly have saved us from hostility?

The treaty of 1794 healed over the injuries we had till then continually endured from England, both by land and by sea, notwithstanding the Treaty of Independence. But we had rival nations to deal with; and what was the result of the treaty of 1794, as respects our relations with France? Gentlemen all remember the heart-burnings and outrages which ended in the naval warfare with the French Republic in 1797 and 1798. In 1799 the present Emperor of France became, by another title, the Chief Magistrate of that nation. Anxious, as he naturally was, to strengthen his hands by as many pacifications as he could accomplish with the various countries in collision with his own, he soon after his accession subscribed to the amicable convention of February, 1801, which was ratified under Mr. Adams's Administration. What effect this convention would have had on our commerce with England it is not difficult to perceive, had it not been for the intervention of the peace of Amiens between England and France, almost immediately afterwards, in 1802. The ink with which Lord Cornwallis signed the Treaty of Amiens was hardly dry before it was resolved by the English Government to put an end to it by another rupture. In the Fall of 1802 it was perfectly understood in Europe—perfectly well known to both Cabinets—that the renewal of hostilities was at hand. They were deferred till the Spring of 1803. On the 16th April Mr. Addington announced to the House of Commons that peace was not to last much longer; and on the 21st May, unless I mistake the dates, (I quote them from memory,) the English hostile manifesto appeared. Till this period a coincidence of fortuitous circumstances had preserved the United States from solemn war, (though there was something very like it in 1797,) and had afforded to their foreign commerce a prosperous harvest of wealth with comparative security. As long as we quarrelled with France we might count upon England. From the rupture of the peace of Amiens, in 1803, it is difficult to consider the policy of the belligerents, as it has since disclosed itself, without a conviction that they had determined much sooner than they avowed it, to drive all neutrals from the field, and of course to drag us into their contest. We were, indeed, the last to fall in. Our distance and our resources saved us for a long time. But the escape entirely was out of the question, without a sacrifice of our commerce, either by fighting for it or abandoning it. During the years 1805, '6, '7, '8, '9, '10, '11, and '12, everybody calls to mind the astonishing continental successes of France, which were checked only by the conflagration of Moscow, and of which the tide from there thrown back has never ceased to overwhelm the French, till stayed at last perhaps upon the borders of the

Rhine. The whole continent of Europe yielded to the continental system, which was to crush the commerce and manufactures of Great Britain. From Cadiz to Cronstadt there was not a port in which either the direct agency or the influence of France was not felt to the exclusion of the productions of England. In most of them armies of douaniers were openly stationed, and in the rest the system of the French monarch was enforced through the medium of his influence. During the same period the conquests of England on the ocean were as continued and as complete as those of her enemy on the land. England, who went wantonly into the war of 1792, was now, in the language of her statesmen, struggling single-handed in self-defence. For trade and colonies, France expelled England from the continent of Europe. In self-defence, England subdued every colonial settlement, every insulated territory, every distant possession, accessible to naval approach. The West Indies and the East became entirely her own; not a hostile fleet was permitted to spread its sails upon the ocean—scarce a single frigate dared to venture out to sea. Thus France consummated her continental preponderance—England consummated her preponderance on the seas. Instead of any fair balance of power, any equilibrium of relative strength made up of due proportions of territorial and maritime force, a most unnatural and alarming spectacle was presented of all the land balanced against all the sea. No neutrals were tolerated. France said so without reserve—England said so through the habitual discourses of her Sheffields, her Cannings, her Stephens. "War in Disguise" gave us sufficient notice of our fate. England impressed men in our harbors from our ships, public and private, and murdered American citizens in our coasting shallops. France burnt our vessels and cargoes on the high seas. All other neutrals disappeared, and why should we be left? We were left for a time only to become the medium—the anvil—of a most stupendous strife of belligerent commercial retaliation. Each party struck us to the earth without apology, and then pressed us to join her side as the only alternative for salvation. What was to be done? What could we do to preserve both our commerce and our peace? It was utterly impossible. Impartial and dispassionate men—posterity—will do justice to our neutrality, our forbearance, and pronounce that war was to be avoided only by withdrawing from the scene of our distresses. The merchants were for war—for war against Great Britain. Need I recall the recent recollections of that enthusiastic and unanimous resistance with which the revival of the rule of '56 was encountered, the first great outrage on the law of nations and on our commerce? Like all the injuries from England, it was first acted on, then promulgated. We felt it to the quick before we knew of its existence. From New Orleans to Portsmouth, not a city on the seaboard but remonstrated with Government against its endurance. Not a merchant in the country but declared for opposition to it. The President was besieged with addresses; one

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in particular, from Boston, which was ascribed to the pen of an estimable gentleman, now an honorable Senator from Massachusetts, breathed a peculiar spirit of indignation and defiance. It described the injuries from France and Spain as indeed deep and painful, but inconsiderable when contrasted with the more numerous, unwarrantable, and fatal ravages of Great Britain. A Government immovably attached to the policy of peace, still practised and counselled forbearance and circumspection. Dreading the calamities of war, it calculated them at a dearer cost than that of continued endurance. It hoped the crisis would go by—it hoped that one or other of the belligerents would yield. It was mistaken. But who could have foreseen the unexampled extremes that so speedily ensued? A moment arrived demanding a determination. The Government resolved to retire altogether from the theatre of hostilities—to withdraw for a time within the safe retirement of our own homes, and to watch and wait more auspicious events.

I do not say this determination was right. That is not my object. I doubt, moreover, whether it was so. I have always thought that the burst of national indignation which exploded at the attack on the frigate *Chesapeake* should have been seized as the proclamation of war. But, my immediate purpose is not to ascertain whether a war or an embargo was to be preferred, but to show that one or the other was inevitable. It was a maxim of the late Mr. Fox that, a party admits itself to be in the wrong when it does not accompany its complaints with instructions how to remedy them. Now, Mr. Chairman, I should be glad to learn what there was to be done, which, circumstanced as this nation was, and as the belligerents were, would, at the same time, have saved our commerce and averted war. Take who you will and place at the head of affairs; call back again that being who is now canonized as the Father of his Country; get, if possible, a better and a wiser one; and then point out how he, how any man, could have prevented or dispersed the storms that had been so long thickening in our horizon and were destined to break upon our heads. The time had come, sir, when that bridge of tonnage which linked us to the shores of Europe must be swung loose, or swept from its position. It is easy now to clamor at what is past. But, let any dispassionate man look back on the details of those transactions of which I have taken a rapid and indistinct retrospect, and I think he must acknowledge the very great difficulty, if not impossibility of escaping from their operation.

The bold experiment was made of an embargo. I will not say what might have been the success of this appeal to the virtue of a nation. It was not permitted to be fairly tried. First modified, then abandoned, the restrictive system languished in non-intercourse and non-importation acts. But the die was cast. Those acts were totally inadequate. From the repeal of the embargo, war became obviously and immediately inevitable, though it was not declared till the Summer of 1812.

Soon afterwards, intelligence reached us of what is called the revocation of the Orders in Council, and consequently, as is argued, of the removal of all cause of war. But, I tell you, Mr. Chairman, that the Orders in Council have not been revoked, and that their present footing is more reprehensible than before. A partial, conditional, temporary suspension of their actual operation has, to be sure, been wrung from the British Government by the cries of their famished manufacturers. These curses have, indeed, been thrown back into Pandora's box, but they are not destroyed; and the fiend stands ready, with the keys brandished in her hand, to take them out again, whenever another exigency shall arise. To take them out again, with what authority? Why, sir, as another section of the ancient maritime rights of Great Britain—dear to her as her existence, legitimate as her renown. When these pernicious outrages on the law of nations were first suggested, but a few years ago, to the late Mr. Pitt, he is understood to have rejected them with unqualified condemnation, as not only unwarrantable, but infinitely more threatening for England than her enemies. After his death, however, the disciples of his school ventured to make a trial of their efficacy, but without even a pretence, originally, of their legality. Their only plea was expediency. Their conformity with the law of nations was not so much as pretended. They were the extreme effort of a case of extreme urgency. They were edicts of mere retaliation, provoked and justified alone by the preceding violence of France. But now, after a few years of existence, they have come to be incorporated with the law of nations. They are suspended, to be sure; but, like the rule of '56, their legality is as clear as their antiquity. They are a part of the defensive system of England's undoubted maritime rights. I tell you, therefore, Mr. Chairman, that the Orders in Council are not revoked.

But for argument's sake they shall be. It is my wish to afford our opponents all they require in point of fact, and on their own postulate to show their errors. The Orders in Council removed, what remains? The question of impressment. I am positively ashamed, sir, to occupy the time of a public body with any consideration of a topic so hackneyed, so vulgarized, I may add, as this quarrel of impressment. Still, to anything like a full summary of rational justification, it is essential to embrace this point among the rest. In fact, it is a very prominent one. That it is a grievance which began with our beginning as a nation, and which has grown with our growth, down to the moment when I am considering it, is a conclusion to be collected, beyond a doubt, from the documents on your tables. Not an Executive, not a Secretary of State, not a Minister to England, have you ever had, whose revolting and contumelious office it has not been to expostulate and to menace in vain upon this distressing outrage.

June 11th, 1792, Mr. Jefferson, then Secretary of State, under President Washington, writes to

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Mr. Thomas Pinckney, our Minister at London, thus:

"In order to urge a settlement of this point (impressment) before a new occasion may arise, it may not be amiss to draw their attention to the peculiar irritation excited on the last occasion, and the difficulty of avoiding our making immediate reprisals on their seamen here."

On the same subject, he writes to Mr. Pinckney, under the date of the 6th November, 1792:

"It is necessary to develop to you the inconvenience of this conduct, (impressment,) and the impossibility of letting it go on."

On the 11th of June, 1792, to Mr. Pinckney, he continues:

"That there was great difficulty in preventing reprisals being instantly made on British seamen in the United States."

In the same letter, speaking of the proposition on the part of Great Britain to compel our seamen to be furnished with what are familiarly called protections:

"We entirely reject the mode which was the subject of conversation between Mr. Morris and the British Minister, which was, that our seamen should always carry about them certificates of their citizenship."

Mr. Pinckney, in attempting a treaty with Mr. Bond, under Lord Grenville, thus expresses himself to Mr. Jefferson:

"I answered that, unless we could come to some accommodation which might insure our seamen against this oppression, (impressment,) measures would be taken to cause the inconvenience to be equally felt on both sides."

Mr. Pickering, Secretary of State, writes to Mr. King, 11th September, 1796:

"If the British Government have any regard to our rights and respect to our nation, and place any value on our friendship, they will even facilitate to us the means of relieving our oppressed citizens."

Judge Marshall, when Secretary of State, writes to Mr. King, dated 20th September, 1800:

"Should we impress from the merchant service of Britain not only Americans, but foreigners, and even British subjects, how long would such a cause of injury, unredressed, be permitted to pass unrevenged? How long would the Government of Britain be content with unsuccessful remonstrance and unavailing memorials? I believe, sir, that only the most prompt correction of, and compensation for the abuse would be admitted as satisfaction in such case."

Then the Judge admonishes them to desist, lest they force our Government into measures which may possibly terminate in open rupture.

Mr. Madison, Secretary of State, writes to Messrs. Monroe and Pinkney on the 5th January, 1806, and asks:

"Can it be reasonable or just that a belligerent commander should be permitted, without recurring to any tribunal whatever, to examine the crew of a neutral vessel, to decide the important question of their respective allegiances, and to carry that decision into immediate execution, by forcing every individual he may choose into a service abhorrent to his feelings; cutting him off from his most tender connexions, ex-

posing his mind and his person to the most humiliating discipline, and his life itself to the greatest danger? Reason, justice, and humanity, unite in protesting against so extravagant a proceeding."

And again, on the 17th of May, 1806, Mr. Madison, writing to Messrs. Monroë and Pinkney, says:

"The importance of effectual remedy for this practice derives urgency from the licentiousness with which it is still pursued, and from the growing impatience of this country under it."

On the 20th May, 1807, he writes to Messrs. Monroë and Pinkney—

"Without a provision against impressment, no treaty is to be concluded."

In a letter from Mr. Pickering, when Secretary of State, to Mr. King, June 8th, 1796—

"The simplest rule would be, that the vessel being American, should be evidence that the seamen on board her are such; but it will be an important point gained if, on the high seas, our flag can protect those of whatever nation who sail under it."

September 10, 1796, Mr. Pickering writes to Mr. Rufus King, our Minister at London—

"The subject of impressed seamen makes a part of your instructions; but the President now renews his desire, that their relief may engage your special attention."

October 26, 1796, Mr. Pickering writes to Mr. King—

"For the British Government to make professions of respect to the rights of our citizens, and a willingness to release them, and yet deny the only means of ascertaining those rights, is an insulting tantalism."

October 3, 1797, Mr. Pickering writes to Mr. King—

"Mr. Liston has assured me, that the British officers have orders not to impress any American seamen, and of course not to retain against their will any already impressed; but, if they insist in obstructing every channel of information and proof of their citizenship, such orders are, and will continue, deceptive."

July 30, 1794, Mr. John Jay, then at the Court of London, writing to Lord Grenville on the subject of impressment, says:

"Relying on the justice and benevolence of His Majesty, leads him to indulge a pleasing expectation that orders will be given that the Americans so circumstanced (impressed) be immediately liberated, and that persons honored with His Majesty's commission do in future abstain from similar violences."

In negotiating with Mr. Liston, for a reciprocal delivery of deserters, Mr. Pickering states it—

"To be utterly inadmissible, unless it would put an end to impressments."

September 20, 1800, Judge Marshall, then Secretary of State, writes to Mr. King—

"The mere release of the injured, after a long course of service and suffering, is no compensation for the past, and no security for the future. It is impossible not to believe that the decisive interference of the Government, in this respect, would prevent a practice the continuance of which must inevitably produce discord between two nations which ought to be the friends of

each other. The United States, therefore, require positively that their seamen, who are not British subjects, whether born in America or elsewhere, should be exempt from impressment."

Thus, sir, it appears that there never was any doubt entertained respecting this cause of war till war was declared for its removal; and if, in 1806, Messrs. Monroe and Pinkney did make a treaty without the arrangement of some satisfactory plan for preventing impressment, it is difficult to imagine more complete justification for Mr. Jefferson's rejection of such a treaty, than the instructions I have read, which led to it. These instructions are positive to make no treaty without such an arrangement.

Permit me, now, to solicit your attention to half a page I propose to read from a book I am in the habit of often referring to, and never without deriving instruction and edification. It is the Chief Justice's Life of Washington, from which we may gather that elevated person's sentiments of impressment. He had been Secretary of State; was familiar with the best annals of the nation; wrote his history at a moment when dispute ran high on this particular; and of course what he says may be accepted as not having been committed to publication without scrupulously weighing every word, and cautiously guarding against any improper import:

"Hostilities on the ocean disclosed still another source of irritation, which added its copious stream to the irresistible torrent which threatened to sweep America into the war that desolated Europe.

"The practice of manning their fleet by impressment, was one to which the British Government had long been accustomed to resort. The exercise of this prerogative had not been confined to the land. Merchantmen, in their ports, and even at sea, were visited, and mariners taken out of them, to be employed in the Royal navy. The profits of trade enabling neutral merchants to give high wages, British sailors were tempted in great numbers to enter their service; but the neutral ships furnished no protection. Disregarding the bottom in which they sailed, the officers of the navy impressed them wherever found—often scarcely leaving hands enough to navigate the vessel into port.

"To the abuses to which such usages are liable, the Americans were peculiarly exposed. Descended from the same ancestors, and speaking the same language, the distinction between them and the English, though in general sufficiently marked, was not always so visible as to prevent unintentional error; nor were the captains of ships at all times very solicitous to avoid mistake. Native Americans, therefore, were frequently impressed, and compelled to serve against the French Republic."

So early, then, as 1792, it appears that native Americans were frequently impressed.

With such moving and irresistible facts before us, can we, should we, be drawing lines of distinction between the native and the naturalized? Or is there the least weight in the objection sometimes urged, that, as the navigating and mariner States do not complain of impressment, the agricultural and other States ought to submit to it? Impressment being a breach of national sovereignty, it is not where it cuts deepest, nor how it

acts most, that should enter into the consideration. The majesty of the people, altogether, must determine for themselves on all points of national sovereignty and foreign encroachment. No State can be commissioned to decide in such a case. But, is it true that none but the Eastern States are injured by impressment? Lord Castlereagh acknowledges 1,600 Americans to be wrongfully detained. Are they all from Massachusetts? Is 1,600 the total amount of impressed Americans? Ask your flag, sir, that glorious flag which, after striking the flag of England from her masts, has, in every instance of its surrender, detected Americans in the ships it covered. On board the *Guerriere* there were, I think, seven; on board the *Macedonian*, five; on board the *Java*, eleven; on board the *Peacock*, three. Steele's formidable list gives us a thousand British vessels of war. Now, take the number of our people discovered on board the little *Peacock* as the average; does not an arithmetical deduction give you 3,000 Americans in the British navy? Certainly, you have at least 3,000 men fighting their battles, or, more barbarously still, dying in their hulks as prisoners of war. But we know that this average is much too small. We know from the muster-rolls of the *Moselle*, and another which fell into the hands of Commodore Rodgers, that very many more than three to a crew is the proportion. But these men are necessary, they are indispensable, to the navy of Great Britain. Waiving the weakness of the plea, is such the fact? Are 1,600 or 3,000 Americans, or more, indispensable to a navy which keeps 160,000 seamen constantly in its employment? The question answers itself. They are not necessary. Their enlargement is, indeed, most necessary to our character, to our sovereignty, and to our national well being. But their detention is of little moment to the interests of Great Britain. If it were, indeed—if this cry of self-defence, of vital expediency, if even this were founded in truth, independently of all right and abstract justice, I should pause, for one, about wresting impressment from the English grasp. Proud, sir, of my descent from England, at a time when the genuine principles of English freedom and English law were still unadulterated; and sensible of the many claims of the English people on the consideration of all others, even now when these principles are no longer the fashion at Court, I should be loth to press a contest which must terminate in the downfall of Great Britain, or the discomfiture of the United States. It is not the downfall of Great Britain I desire. Not at all. It is nothing more than her reasonable curtailment, her restriction to those grounds of a reasonable maritime ascendancy, which I have no objection she should continue to enjoy, and which she certainly may continue to enjoy, without the prostration of our most sacred privileges and most important interests.

Supposing, then, as is most clear, that her relinquishing of impressment will not be the cause of her ruin, and supposing no other cause for the war in which we are engaged, is not this one a use enough? What was the pretext for the

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rupture of the peace of Amiens? Unless I mistake, the island of Malta. What occasioned the war between France and Austria in 1805? Unless I am mistaken, the city of Venice. What moved to the war that has lately desolated Europe and drenched two-thirds of that Continent in carnage? Commerce. What are the materials out of which have been woven the history, the oratory, and the poetry of modern times? Territorial disputes, commercial rivalships, the balance of power. What has immortalized in England herself an individual of very moderate talents; whose indefatigable charity compelled the great rival Statesmen, Mr. Pitt and Mr. Fox, to suspend their criminalations, and fall into the ranks which Mr. Wilberforce led on! one of them, as is generally believed, against his own conviction? The abolition of the slave trade. And is commiseration for the black, more laudable than for the white? Has the African claims on humanity which are not known to the American? Or is it a mitigation of the traffic in flesh, that, whereas the slave trade is confined to one country and one race of unfortunate beings, impressment is made to be felt in every clime, and fixes on civilized men for its victims? Nature and her laws combine with the laws of nations to consecrate a cause like ours. Talk of defensive war, and rail at offensive ones, why what is this? May not men fight *pro aris et focus* on the seas? Without bringing into view the question of extending territory by a ship, may not the American mariner's home be on the deep? Or must England alone march on the mountain wave?

But is there no additional cause for our hostilities? Has nothing been superinduced by the war itself, adding to its original inducements most unparalleled aggravation? Mr. Chairman, yes, an atrocity overlooked by our Government, familiarized to the minds of the people; but one, nevertheless, against which every cottage should be hung with mementoes, every parlor tapestried with remonstrances. I allude, sir, to the barbarian subornation by England of our Indian borderers, whose savage thirst has been slaked in the blood of our women and children, under the direct encouragement of English agency. I mean to take some notice of this nefarious inhumanity. The Executive Government of this country, which is accused of so much unfounded hostility to Great Britain, has omitted in my humble opinion the most imposing and overwhelming complaints with which a nation ever was rebuked, by their silence on this subject. But I shall not follow the example of the Government; and shall make no apology for presenting this atrocity in its true colors. The British manifesto of the 9th January, 1813, which puts forth their justification in this war, states expressly that Mr. Foster had instruction to repudiate the foul charge of their employment of our Indians. Did he do so? Never. I am aware at least of no solemn protestation from that Minister against this imputation, this indelible, deadly blot on the annals of this nation. But supposing that he had, would that alter the fact? Should that

disprove it? There was indeed a period when the drawing-room and the cabinet were hung with specious but most insidious trappings of amity; but even then the trans-Alleganean wilderness was rustling with the preparation of the savage, licking his chops in ambush, and hankering for the promised repast. There was a time when we examined the powder, and the arms, the muskets, and weapons, that fell into our hands at the battle of the Wabash, in order to ascertain whether the ear-mark of England was upon them. There was a time when, if such signs were declared to exist, ten thousand voices and pens and prints rose up to contradict the ungenerous aspersion. But that time has passed away. The Englishman and the Indian, like the mastiff and the wolf, since then have always roamed abroad together; the one decorated with the collar and other indications of refinement, but without its heart; the other bounding in native ruthlessness; and kept each other's company scouring our forests, contending for their prey.

Nor is this a new outrage, though never so substantiated as now. In his celebrated speech on the British Treaty, Mr. Ames admits that the unauthorized agents of England might be expected to stir up our Indians, though he denies that the English Government participated in this excitement. But what was General Washington's impression of the Indian war which carried Hammer, and St. Clair, and Wayne, into the field? General Washington, sir, was satisfied that Colonel Beckwith, the formal British agent, who preceded Mr. Hammond's mission to America—that this agent had fomented the fury of the Indians. He directed the Secretary of State to remonstrate with Beckwith concerning it. And what did he offer in his excuse? After some prevarication, he acknowledged his own interference in that way, though he denied that he had acted by Lord Dorchester's authority, and asserted that the step was merely his own. So long ago as 1792, was this iniquity in preparation. Within the last two years, every disguise has been thrown off, and it stands forward before the world in all its horrid incarnation of avowal. Before General Hull's capitulation, the first blow that was struck in the present hostilities came from the Indians deep in the Northwest, against the post of Mackinaw. And what was that unhappy man's extenuation of his surrender? That the savages were swarming for his destruction; pouring down upon his army from the West and the North, and hastening to their annihilation. Where has the battle been fought since, in which the English have not owed their success, wherever they have had it, to their Indian allies? Where has a British regiment or a British soldier met an American fairly face to face, and staked the issue on the valor of Britons and Americans alone? In every instance the terror of the tomahawk has been their strongest; their only protection, their buckler and their sword. At Detroit, at Raisin, at Queenstown, everywhere their allies have been their saviours. Not a single general order has appeared from Prevost, from Brock, from Proctor, or from Vin-

cent, in which these wretches have not been officially thanked for their material assistance. The British armies have traversed Canada with hordes of Indians for their wings, like ravens, like vultures of the desert, whose ominous flight portends death, and who banquet on the victims of their massacre. And is this lawful, or accustomed warfare? Will self-defence justify, should invasion provoke, or will anything atone for this? Is it lawful to poison your wells or arrows, though your territory be overrun by an enemy? No, sir, no. Nothing can excuse or extenuate such barbarities. Nor is excuse or extenuation sought for. They are referred to the detestable expediency of Lord Suffolk in 1777, whose rebuke by Lord Chatham we all remember, for his impious declaration, that England had a right to employ the Indians against the Americans, as means (to use his own infernal language) which God and nature placed at their command.

What an outrage then this is! and what proof of it! From the official papers of the British commanders, *ex cathedra*, indeed, have we the evidence of this fell, unmanly, and unchristian outrage—an outrage that has no equal. I solemnly protest, Mr. Chairman, that my inconsiderable knowledge suggests no oblation ever laid on the altar of human malignity and vindictiveness to be compared with this subornation of our Indians—by the English who boast of their superior religion and charity, who have sent out more missionaries of late for the salvation of distant hemispheres than all the rest of the world put together—against us Americans, their descendants, their flesh and blood—through the instrumentality of those savages whom by every liberality and study we have labored to humanize and ameliorate, and whom we could at any moment either extirpate or expel from the neighborhood of our frontiers. It is, sir, an excess of wrong which absolutely flings the hurdle and guillotine behind, and occupies the most conspicuous place in the representation of our most unnatural passions. True it is, I am aware of it, that we have latterly employed some of these monsters in our armies. But not until a twelvemonth and more forbearance; not until after we were taught by bitter lessons that English officers and soldiers were to be opposed only by the auxiliaries of their own choice; not till we had learned that to carry consternation into British ranks, it was necessary to set before them the counterpart of their own allies.

And yet this is a war without a cause! This is a war so wantonly waged on our part! This is the unnecessary, the wicked and the foolish contest we keep up! England, contrary to her own municipal laws, impresses her own subjects and forces them on board her navy. Contrary to the laws of nations, she compels these impressed subjects of her own to be accessory to the impressment of our citizens. For our resistance to this enormity on the ocean, she lets loose the savages in our interior; she desolates and destroys our frontier hamlets and inhabitants; she threatens what in this place I am almost afraid to hint

at; she threatens to invade our Southern States with her black regiments from the West Indies; to employ them in rousing our slaves to insurrection—to cut the throats of their masters and mistresses—to imbrue their hands in the children's blood of those who I hope generally make it their duty to soften as much as possible the lot of servitude. All this we are enduring or threatened with by England, without cause of war! I cannot conceive for my part of cause more sacred, more flagrant, or more plain. When Francis the First of France made an alliance with the Turks, to enable himself to withstand the power of Austria and of Spain, concentrated under Charles the Fifth, all Europe cried out shame against a King who could stoop to be associated with infidels, whatever might be his emergencies. But in these days of refinement, the alliance of England with American Indians is no offence. I may be acting under delusion, Mr. Chairman; but I am free to say that no one in this country has the causes of this war more at heart than I have; no one is more deeply penetrated, apart from all personal considerations whatever, with a sense of its justice. And when I am inclined sometimes to be cast down at the unaccountable reverses we have experienced upon the land, I can always rally and console myself with the conviction that no Administration can relinquish such a conflict. You may change your Executive department tomorrow. You may install whom you please. There is no man—there is no men in America who could withstand this country's indignation for one month, should they make any terms of peace relinquishing the rights we are contending for. Our security is in our cause.

Such being the causes of this war, let us next inquire, what are the events that have succeeded its declaration, which should drive us to abandon it? It has been disastrous, say its antagonists. It has so. I must confess it has had to struggle with unexpected difficulties, and unaccountable reverses. But is it therefore we should give it up? Remember the price paid for the privilege of declaring it. Call to mind the members of that illustrious Congress, who during the Revolution were often obliged to fly, like conspirators, by night, from their beds, to places of safety. From Philadelphia to Baltimore, to Lancaster, to York, to Trenton. Did they yield to the current of disaster? If they had, sir, our independence never would have been achieved. The years of the Revolution dragged on in delay, defeat, trial, and difficulty. With all its glorious circumstances, what was the battle of Bunker Hill? An overthrow. The invasion of Canada under Montgomery and Arnold; the affairs on Long Island; the capture of Fort Washington; the rout at Brandywine; the defeat at Germantown; the partial success at Monmouth; the predatory and wasting excursions into Connecticut and Virginia; the contest in the South, of which we have lately so well-drawn a picture by one of the principal performers on that theatre: what was it but a succession of total failures or transient triumphs? The man whose memory is now the

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resting place of a nation's benefactions, for whose particular association the two parties of this country contend like the Greek cities for the birthplace of Homer, was then, almost as much as your present Generals, the object of American contempt and malediction. His army was wasting in sickness and inactivity; his fortresses were taken from him; his plans were frustrated; his troops were beaten. Yes, Mr. Chairman, there are venerable men of the delegation here, of which I am an unworthy member, who recollect these things; who have told me that in 1776 not a town, nor a village, nor a passenger on the road between Philadelphia and New York, but was full of complaints against WASHINGTON himself, clamorous with despondency of the cause he was engaged in. Let us imitate the example of his constancy, not their despair. Let us never forget for a moment that the character of our population, the structure of our Government, our experience in war, our long repose in peace, do not justify the expectation of never-failing victory over a nation injured to arms and vast in capacity of annoyance. Like our forefathers of the Revolution let us make the least of defeat, and the most of success. Like them let us nerve our councils to bear the reverses of our arms, and like them we shall finally be triumphant.

But this wanton and disastrous war is also partial in its pressure. What an objection to come from Massachusetts to Virginia! What an objection, while any of the patriots of the Revolution survive! I mention it but to say that if Virginia had made such an objection to Massachusetts in 1775, we should not now have been an independent nation. It is, however, unfounded in fact. The pressure is felt more severely in Virginia, Maryland, North Carolina, and Louisiana, than in any section whatever of the Eastern States.

The war is moreover unpopular! In spite of the majorities in this House, the majorities of suffrages all over the country, the people are opposed to the war! Majority, then, is not an evidence of popularity. No. It proves only the coherence of party. If this war were popular it would be successful in Canada! If so, Pompey's was the unpopular side, when he fought at Pharsalia with all the hopes of Roman republicanism under his standard, against Cæsar and his invading regulars from Gaul. Caractacus was unpopular when he fell before the legions of Claudius Cæsar. The ravage of the Palatinate by Louis XIV. is ascribable to his popularity there. In short, all England's efforts during the last twenty years have been unpopular while sustained in self-defence; all Bonaparte's foreign conquests completely unpopular; nor has the war become popular with the French nation until brought home to their frontiers and breaking in upon their firesides! The idea is preposterous.

At all events, again, and whether disastrous or popular, the contest is hopeless. Mr. Chairman, how does it happen that we are here deliberating on the war? Is it more hopeless than that which our predecessors waged, without half the impulse pressing upon us in the present strug-

gle, against difficulties incomparably more alarming, and yet with complete success? Is not this the old story of the Revolution? Does it not prove too much? I submit it to the logical mind of the gentleman from Virginia, (Mr. SHEFFERY,) who advanced it, that an argument proving too much proves nothing. Now, if we cannot under any provocation venture to resist Great Britain in arms, can we contend with France or with Spain? Must we not tamely submit to all they may impose upon us? It will answer no purpose to wait for greater population and resources, unless we are disciplined in the meanwhile in the school of trial and experience. Unless we accustom our fellow-citizens to occasional hostilities one hundred millions of population would not be enough to oppose any foreign enemy, unless we learn in that school in which all other nations have derived their instruction. A population of one hundred millions would be but an inert and degenerate mass, incapable of self-protection, destined to break down our Union by its own unwieldy and unmanageable weight. But again, sir, this objection is not founded in fact. Great Britain is not that inexorable and unyielding tyrant which gentlemen represent her. She acknowledged our independence. She removed Captain Whitby from one of her ships, Captain Bradley from another, Admiral Berkeley from our coasts. Ungraciously, if you will; but yet she did it. She restored to the very deck of the vessel from which they were torn, the seamen of the Chesapeake; a greater humiliation than was ever assented to by a naval nation, proud of her maritime supremacy. Taken by force from the waters in this neighborhood, as those men were, and five years afterwards publicly returned to their own ship in the harbor of Boston, I am not able to imagine a more complete capitulation. It was to all intents and purposes sending the English Doge to Paris. Besides, the late overture by the Bramble contradicts the common sentiment of the unyieldingness of Great Britain. She knows how to yield to circumstances, as well as others. In 1802 and 1806 she consented to an adjustment of the points of impressment, and vigorously pressed no doubt she will learn to consent to it again.

But this wanton, disastrous, partial, unpopular, and hopeless contest is likewise ruinous. Not ruinous most assuredly in the ordinary calamities of war. Plenty and comparative prosperity are almost universal throughout the country. Contrasted with the situation of even the most fortunate nations of Europe, ours is quite an enviable one. We are deprived to be sure of some of the enjoyments of a state of peace; but, notwithstanding all the atrocities of England on our seaboard and interior frontier, never was there a more tranquil or flourishing community in a state of war. Instead of clamor or repining, we ought to be grateful for these blessings. They are such as are vouchsafed to very few communities indeed. But the clouds of finance are menacing to destroy us. Debts, loans, and pecuniary burdens are to grind us to the earth. We are forewarned by

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honorable gentlemen that these impositions are more than can be borne; that they must inevitably break our backs. Why really, Mr. Chairman, there is something very extraordinary to my mind in these financial horrors. As was answered most conclusively, as I think, by a gentleman from Tennessee, (Mr. RHEA.) can these apprehensions be reconciled with those immense advantages, which the same gentlemen who entertain them ascribe to our foreign commerce? Is it possible that we have had the second foreign trade of the world, pouring in all its affluence upon the United States for twenty years together, and that it has not made a sufficient stock of capital out of which to afford the means for a short war in its defence? With the predilections I possess for foreign commerce, impressed as I am with its great influence on the prosperity of a nation, I cannot suppose that such is the fact. The capital of this country is much greater than probably most of its citizens are aware of. I have understood, from a gentleman of intelligence and observation, that the war has not occasioned the failure of any one merchant or mercantile firm of respectable standing upon the whole continent of America. Not a single insurance company, I believe, has found itself compelled to stop payment. Nor a single bank, I will answer for it, whose failure can be imputed to the war. It was stated by the gentleman from Virginia (Mr. SHERREY) that the Manhattan Bank of New York had been obliged to suspend its payments, and that this embarrassment was an evidence of the growing scarcity of resources. But I am told that in the first place the fact is not so; that the Manhattan Bank, not having the specie in its own vaults (having removed it from New York to a place of greater safety) had merely required time to procure the specie from where it had been deposited; and I am sure, in the next place, that if this bank really has failed, its stoppage cannot be traced to its advances to Government. On the contrary, I suspect that if it has experienced difficulties, it will find the credit it enjoys upon the strength of those advances, its best reliance for aid and recovery. I am yet to learn that banks constitute the wealth of a nation, however convenient they may be to its financial operations. We have just been saved, in Pennsylvania, from the incorporation of a swarm of banks. Does any man suppose that we are the poorer for their having been negatived, or that there would have been more real resource in that State from their success? Surely not. The resources would abide in the country even though all the banks should be swamped. How is it, sir, in England, the great mother country of finance? Mr. Pitt stopped the specie payments of the Bank of England in 1797, unless I am mistaken; and unless I am equally mistaken, that bank has never since been open for the purposes of metallic payments. Yet that the affairs of England have not been materially affected, I presume will hardly be denied.

The truth is, Mr. Chairman, that finance is still a political secret. It is the modern Eleusi-

nian mystery of politics. I have taken some pains to become at least a theorist in the science; but, after consulting most of the treatises to be met with on this subject, I have not been able to arrive at any more satisfactory conclusion than that the whole matter remains yet to be developed in its genuine effects. When Sir Robert Walpole introduced the funding system in England, he always admitted there was a certain ultimatum beyond which the national debt could not travel without national ruin. But now that ultimatum is quadrupled, aye, quintupled, and ruin still holds off. Mr. Pitt, unquestionably, like Sir Robert Walpole, one of the most eminent financiers that ever presided over the Government of England, also subscribed to the idea of a certain ultimatum of debt, which could not be exceeded. His Ministry was almost avowed to be a system of expedients. Yet the debt has now left far behind this imaginary ultimatum, and this system of expedients has been crowned with success. Sir Robert Walpole used to say, when threatened with national bankruptcy and convulsion, that it had never been ascertained how much ruin there was in a nation, but that there certainly was a great deal.

With the specie issues of the Bank of England so long at a stand, with the enormous increase of their debt, with the depreciation of their paper currency, what at last has conquered the gigantic power of France, dissolved the Confederation of the Rhine, rescued Russia from the Continental system and conflagration, restored Austria to the German Empire, broken the yoke of Holland, and recreated Prussia a Kingdom? The subsidies of England: that paper money which the French Emperor deprecates as the greatest enemy to social order—as to his social order, it certainly is. These subsidies have not been paid in hard money. No—but a very small part of them; and the rest in English endorsements and discounts. With the feeblest Ministry that ever governed Great Britain since the Administration of Lord North, and engagements this year to the amount of at least one hundred and twenty millions of pounds sterling, has that country been able at last to achieve what it so long has been striving for in vain. Neither the frosts of Russia, nor the discipline and enthusiasm of all Europe combined in arms, could have triumphed against the power of France, without the reinforcement of English paper. It was the sword of finance with which Napoleon's truncheon has been beaten down. It was with paper his confederates were seduced, and with paper arms his enemies have driven him behind the Rhine.

What, then, have we to fear? Are our resources good? Undoubtedly. We have as much metallic fund, probably, as England herself. Our credit is perfect—our country is confident—our means are all within ourselves. To draw them forth may cost more or less, according to circumstances. But while we have them, most assuredly we can use them.

The allusion I have just made to the altered state of Europe within the last few months, will

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justify me, I hope, in asking the Committee's attention for a very few minutes to that subject. It abounds with interest, with instruction, with advantage to us. Russia, the Power with whom we have never had a difference, whose maritime views and interests are precisely our own, has finally proved victorious over France. Sweden, another Northern Power, another advocate for the freedom of the seas, whose Crown Prince, like his great competitor on the French throne, is legitimated by talents beyond the divinest right of kings, Sweden partakes with Russia of all her victories. Austria is to become a navigating nation by means of the ports she is to acquire on the Adriatic. Spain revives to greatness, without her colonies, or Inquisition; and in estimating the benefits of these emancipations, it is difficult to say which is the most to be desired, that from her colonies or that from her Inquisition. Italy is to be restored, probably without a Pope, in whose destitution she will be liberated from an odious combination of Christianity with temporal intrigue. Holland resumes the trade and naval prowess which so long contested the balance with England; that trade which was freighted from every latitude; that navy which was the last to oppose itself successfully against the fleets of England: I refer to the battle of the Dogger Bank in 1787, when the Dutch Admiral Kingsberry defeated Admiral Parker. France, within the limits of the Rhine, the Pyrenees, and the Alps, remains great, without continuing to be too much so. In all these amazing restorations, there is, however, one country on the Continent whose omission I shall be pardoned for adverting to, to deplore it. I mean Poland—a country which afforded us many gallant auxiliaries in the war of our Revolution; a country which, though its modern history is not much known in America, is more fertile of noble examples of the most heroic patriotism, and more instructive in great lessons of Republican integrity, than any other that exists. Within the last sixty years Poland, the only surviving Republic of the world except our own, has evinced, in innumerable illustrious instances, more of that immortal spirit which mankind admire in Greece and Rome, than the transactions of any other modern nation can afford. Barbarously subdued and mutilated as this remnant of the stock of European Republicanism has been by the despots surrounding them, I must confess, that there was something grateful even in the promise held out to them by the French Emperor, that their independence should be one of the fruits of his success. In the tempest of this man's career, such coruscations shed a splendor on the general gloom. In the abject state of Poland, even the promise of freedom is a beam of hope. I do not say that this promise would ever have been redeemed. But I know of no spectacle in our age more august, more imposing than the Polish Diet which sat on the 1st July, 1812, under the old Count Czartozinski, as the French were advancing into Russia, when the prospect of liberty was once more lighted up before the Poles. If Spain and Holland have our

commiseration, so should Poland. If Spain and Holland are restored to themselves, so should Poland be restored. I know of no sympathy for the one, to which the other is not at least equally entitled.

Thus, Mr. Chairman, may a balance of power be really established in Europe. The iron crown of Lombardy has been melted in the flames of Moscow. The most terrific ornaments in the French imperial diadem have been plucked away and scattered aside at the battles of Borodino and of Leipsic. Mankind find their security at last in the infatuation of those who rule them. The restlessness of ambition betrays and overturns it. But shall we not flatter ourselves that the limits of naval usurpation are soon to be marked, as well as those of the subjugation of the land? May we not hail the fall of universal France as the precursor to the fall of universal England? The moment is auspicious to such a consummation. The indications are abundant of its approach. *Proximus Ucalegon*: Great Britain goes next. In vain will the French be confined within their natural bounds, the Rhine, the Pyrenees, and the Alps, unless the English are limited to some retrenchment of their formidable maritime dominion. There can be no true balance of power when England wields the undisputed, the only sceptre of the seas. Europe feels this conviction, sir, and no doubt the same ardent and concerted resistance which has triumphed over despotism on the Continent will turn its efforts next against despotism on the ocean. The floating pediment of England's naval footstool is already troubled under her. Like France she is hastening her fate by her own encroachments. Like France she will find it on the soil of Spain. It is impossible that England can maintain at one and the same time the first navies and first armies in the world. Lord Wellington's splendid career is rapidly undermining the best springs of British naval enterprise. The army of England will prove itself the conqueror of the navy. The invasion of Spain checked the career of French conquests. The battles of her own cause which England has fought in Spain, against the invasion of France, have sapped, I trust, the foundation of her naval ascendancy. Let us hope the trophies of Napoleon and Nelson may be interred together in the Spanish soil. What the Army of England has begun, the Navy of America shall complete. The little streams that have issued from the rock of American maritime spirit, shall swell till they turn the sanguinary and sordid tides of British naval glory. The world has witnessed the meeting of these waters; one a flood of avarice, piracy, and blood; the other a current of enterprise, integrity and fortune: the world has seen them meet, and has pronounced upon the consequences. Let us hope, sir, that from all the astonishing visitations of the two last years a general and permanent peace will result. I am not of those American politicians who pray for war in Europe as the field of commerce for America. I am satisfied, on the contrary, that a general European peace will be infinitely beneficial to American

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foreign trade. The carrying States, those who have ships without cargoes, timberheads without freights, may perhaps suffer; though I doubt even their suffering. But the exporting, the agricultural States, those who can afford superfluities of breadstuffs, of rice, of cotton, of wool, of hemp, of all the indefinite products of their various territories, will be large gainers by perpetual peace. Peace is the element of their prosperity, war of their decline.

To conclude—the hostilities in which we are engaged have been tempered by unexpected alleviations of abundance and health. Manufactures have made a progress even more considerable, I imagine, than is generally supposed. They have supplied, far beyond our calculations, the deficiencies and privations caused by the absence of foreign trade. Taxation, of which such apprehensions were indulged, seems to be submitted to without a murmur, without a sensation. The Union, which it was feared would be shaken to atoms by the first blast of war, stands firm and better fortified in the public opinion than ever. I have been told by a very intelligent native of Europe, who was lately abroad, with the best opportunities of the best information, that the impression there, before the war, was very general, that the American Confederation was an Utopian experiment, calculated for peace, inadequate to war; and that no doubt the admiration and confidence will be proportioned to the disappointment of these ideas. The American national character has acquired in Europe invaluable consistency and elevation by the events of this war. The inhabitants of Europe will regard us through our naval performances; through that medium which is most near and most natural to their perspective, and which is most remarkable because of our triumphs over a maritime Power which had humbled and almost annihilated the marines of Europe.

Upon the land, in the Canadas, we have indeed been disgraced. But it is not there that Europe will inquire for our reputation; and, if she should, there are no people so well qualified by their own bitter experience to make allowances for our ignorance in the art of war. They have felt it too much themselves, all of them, without exception, in their turns, not to be very reasonable on our incapacity. There is in fact a most consolatory assurance to be gathered from our very failures: They have taught us that the American Republic is capable of sustaining the greatest of national trials, an unsuccessful war. The fortitude and ardor of the people have never been shaken. The resources of the country have never failed.

Mr. Chairman, there has been connected with this discussion, by several gentlemen, some views of the questions of expatriation, naturalization, and retaliation. They are all important; but I shall not trouble the Committee concerning them; I am sensible of the large drafts I have already made on your forbearance; and these questions, moreover, cannot have justice done to them by being mixed up with any others. They deserve a distinct exposition. More than one gentleman being pledged to call them up in the course of the

session, I shall have the liberty probably of debating them by themselves whenever it is the immediate subject before us. The various topics which are naturally inserted into a general debate on the state of the Union are at any rate numerous and momentous enough; and while I fear I have exhausted the patience of the Committee, I am sure that the very cursory examination I have allowed myself of the several particulars I have treated is not calculated to show any one of them, much less the whole, in the best light.

Mr. Chairman, I return my sincere acknowledgments to the Committee for the attention with which they have been pleased to accompany me. I flatter myself with the humble merit of having discussed with candor and calmness the interesting points under consideration.

TUESDAY, February 15.

Mr. INGERSOLL, from the Committee on the Judiciary, reported a bill to alter the time for holding the district courts of the United States for the Virginia district; which was read twice, and committed to a Committee of the Whole.

Mr. TAYLOR, from the committee on that part of the President's Message which relates to a revision of the militia system, reported a bill in addition to the act, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes; which was read twice, and committed to a Committee of the Whole.

Mr. TAYLOR, from the same committee, who was instructed to inquire what provisions ought to be made for the payment of the militia called out under the authority of any of the State or Territorial Governments, made a report; which was read, and ordered to lie on the table. The report is as follows:

That no legislative provision is thought necessary for paying militia detachments called out under the authority of State or Territorial Governments, *provided it is sanctioned by the President of the United States.* The committee are not advised of the existence of any case in which such sanction has been refused; if there be any, it is believed that the public interest will be better promoted by requiring special application in each case to be made to Congress, than by vesting in the States and Territories an uncontrolled power of charging the United States with the expenses of militia detachments, ordered into service, perhaps, without necessity, and possibly for objects inconsistent with the public welfare.

Mr. TAYLOR, from the same committee, who was instructed to inquire into the expediency of making provision for the relief of the families of non-commissioned officers and privates, in the militia and volunteer corps, who have been slain by the enemy, or have died in service, made a report; which was read, and the resolution therein contained, was concurred in by the House as follows:

Resolved, That the committee for revising the militia system be discharged from the further consideration of the said resolution.

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An engrossed bill to establish the mode of laying off the Territory of Indiana into districts, for the election of its members of the Legislative Council, was read the third time, and passed.

An engrossed bill for the relief of James Crawford was read the third time, and passed.

On motion of Mr. ORMSBY, the Committee on Public Lands, were instructed to inquire whether any, and, if any, what, further provision, by law, ought to be made for quieting and adjusting the titles to lands in the Mississippi Territory, and to report by bill or otherwise.

A message from the Senate informed the House that the Senate have passed a bill "authorizing the President of the United States to cause to be built, equipped, and employed, one or more floating batteries for the defence of the waters of the United States;" also, a resolution "authorizing the transmission of a copy of the public journals and documents printed by order of the Senate and House of Representatives, to each of the Judges of the Supreme and District Courts of the United States;" and also a bill "to incorporate a Fire Insurance Company in the town of Alexandria, in the District of Columbia;" in which bills they desire the concurrence of this House.

On motion of Mr. SHERWOOD, the bill for the relief of Henry Fanning passed through a Committee of the Whole, and, after being amended, was ordered to be engrossed for a third reading.

PENNSYLVANIA RESOLUTIONS.

A Message was received from the PRESIDENT OF THE UNITED STATES, transmitting, at the request of the Legislature of Pennsylvania, the following resolutions of that body:

"Considering that some of the gallant defenders of our country, who have been captured in honorable combat with the enemy, have been seized as traitors and thrown into prison, perhaps to languish out a painful existence of privation and disease, or to receive judgment and sentence from a tribunal, where power shall take the place of justice, and vengeance usurp the seat of reason; we, the Senate and House of Representatives of the Commonwealth of Pennsylvania, do adopt the following resolutions:

"*Resolved*, That we view with high approbation the decisive spirit and firmness which the National Authorities have manifested in securing hostages for the safety of those defenders of the Republic who are threatened with the penalties of treason against Great Britain, and while we are deeply anxious that a sanguinary result may be averted, and that the calamities of the war may be unembittered by unnecessary bloodshed or cruelty, we are nevertheless prepared under all circumstances to support our Government in every measure of just retaliation to which it may be driven by the violence of the enemy.

"*Resolved*, That the Governor be requested to communicate a copy of the foregoing resolution to the President, with a request that he lay it before Congress."

The Message and enclosure were read and ordered to lie on the table.

INTERNAL RESOURCES.

Mr. McKIM, of Maryland, rose to offer a resolution, the object of which was to ascertain the ac-

tual resources of the nation. He said he had long regretted the want of it, because he conceived it a species of information very essential to those who conduct the concerns of the nation. Any one who had attended to the course of the recent debate on the loan bill, would perceive the difficulty which had arisen from want of it. Assumed ground had been resorted to as to the basis of arguments, for the want of facts. It is impossible for an individual to manage well his private concerns, when he has not a correct knowledge of their situation; and it would be equally impossible for Congress duly to manage the fiscal concerns of the nation, without an adequate knowledge of its resources. Under a conviction of the correctness of this view, he submitted the following resolution:

Resolved, That the Committee of Ways and Means be directed to report to this House some practicable mode of procuring, at stated periods, an account of the internal resources of the country, in natural products, agriculture and manufactures, together with such means of improving these resources, and promoting trade and intercourse between the different sections of the country, as in their opinion the public good may require; and that they have leave to report by bill or otherwise:

The resolution was ordered to lie on the table.

THE LOAN BILL.

The House again went into Committee of the Whole, on the loan bill.

Mr. INGERSOLL, of Pennsylvania, resumed the speech he had barely commenced yesterday, and occupied the floor, in an animated vindication of the justice of the grounds of the present war, for nearly three hours. His speech is given entire in preceding pages.

He was followed in debate by Mr. MONTGOMERY, of Kentucky, who had not spoken long, before the Committee rose, and the House adjourned.

WEDNESDAY, February 16.

Mr. DESHA presented a memorial of the Legislature of the State of Kentucky, praying that Congress will establish the mode of proceeding in controversies between different States, in order that measures may be taken to ascertain the boundary line between that State and the State of Tennessee.—Laid on the table.

Mr. INGHAM, from the Committee on Pensions and Revolutionary Claims, made a report on the petition of James Williams; which was read, and ordered to lie on the table.

Mr. INGHAM also made a report on the petition of William Dent Beall; which was read, and referred to a Committee of the Whole on Friday next.

Mr. YANCEY, from the Committee of Claims, made a report on the petition of James Doyle; which was read. When Mr. Y. reported a bill for the relief of James Doyle; which was read twice, and committed to a Committee of the Whole.

The bill from the Senate, "authorizing the President of the United States to cause to be built, equipped, and employed, one or more floating

batteries for the defence of the waters of the United States," was read twice, and committed to the Committee on Naval Affairs.

The resolution from the Senate, "authorizing the transmission of a copy of the public journals and documents, printed by order of the Senate and House of Representatives, to each of the Judges of the Supreme and District Courts of the United States," was read twice, and referred to the Committee on the Judiciary.

The bill from the Senate, "to incorporate a Fire Insurance Company in the town of Alexandria, in the District of Columbia," was read twice, and referred to the Committee for the District of Columbia.

An engrossed bill for the relief of Henry Fan-ning was read the third time, and passed.

A message was received from the Senate, informing the House that the Senate have passed the bill "to authorize the President of the United States to retain in service certain volunteer corps," with amendments, in which they desire the concurrence of this House.

KENTUCKY RESOLUTIONS.

Mr. McKEE, of Kentucky, presented to the House the following resolutions of the Legislature of the Commonwealth of Kentucky:

"The Legislature of Kentucky, considering the present as an interesting and important crisis, in the arduous contest in which we have embarked, for the preservation of the important and essential rights of national sovereignty and independence, against the injustice, usurpations, and long-continued aggressions of an impetuous and inveterate enemy of that sovereignty and independence, which every citizen of our free and happy Government should at all times be prepared to lay down his life, if necessary, to maintain—feel strongly impressed with the propriety, on this occasion, of representing (as they firmly believe they do) the almost unanimous sentiments of the citizens of the State which they represent, which are embodied and expressed in the following resolutions:

"1. *Resolved, by the Senate and House of Representatives of the Commonwealth of Kentucky, That we firmly adhere to the General Government, and retain our attachment to the Federal Constitution, which binds us together, and with the fate of which we combine that of our own existence.*

"2. *Resolved, That we possess an unabated confidence in the present administration of our National Government, now vested in the hands of an Executive competent to steer the vessel of State between the vortex of domestic faction and the menacing rocks of foreign war.*

"3. *Resolved, That the overtures of peace made to the British Government by ours, since the declaration of war, and the speedy acceptance of the proffered mediation of Russia, are irrefragable evidences (if any were wanting) of a sincere desire for a restoration of the blessings of peace on the part of our own, and of a persevering determination on the part of the British Government, to continue what their injustice and usurpation first began, and furnish to our own Government the most irrefragable arguments for a vigorous, energetic, and zealous prosecution of the war.*

"4. *Resolved, That the restriction on our commerce, lately enforced by an embargo, is wise, expedient, and*

politic, and repays privation and self-denial, by preventing the supplies of the enemy from our resources. We cordially approve the adoption, and doubt the patriotism that hesitates to submit to the national sacrifice.

"5. *Resolved, That, when a member of Congress shall not possess the virtue to resist party influence—when he shall not have the independence to vote the dictates of conscious rectitude, and the will of his constituents, so far as he has evidence of such will—he becomes unworthy of the dignified station of the representative of a free and enlightened people, and is qualified only to represent a corrupt Government, where office is the price of dishonor—where the smile of the arrogant lordling compensates for deserting the interests of the people.*

"6. *Resolved, That the Governor of this State be and he is hereby requested to transmit a copy of the foregoing resolutions to the President of the United States, and each of our Senators and Representatives in Congress.*

Mr. McKEE moved that the resolutions be laid on the table.

Mr. WRIGHT, of Maryland moved, in addition, that they be printed.

Mr. GRUNDY, of Tennessee, called for a division of the question, as he was opposed to the motion for printing the resolutions. He was in favor of an uniform practice in such cases; and, although the resolutions were approbatory of the measures of the majority, he could make no exception in their favor.

Mr. WRIGHT withdrew his motion to print the resolutions.

Mr. GROSVENOR, of New York, inquired whether a motion to allow the gentleman to withdraw the resolutions would be in order.

The SPEAKER decided that such a motion would not be in order.

Mr. McKEE made a few remarks in opposition to the suggestion of Mr. GROSVENOR; when the question on laying the resolutions upon the table was taken, and carried without opposition.

THE LOAN BILL.

The House then went into Committee of the Whole on the bill authorizing a loan for the year 1814.

Mr. MONTGOMERY, of Kentucky, resumed the floor, and concluded, in about half an hour, the remarks he yesterday commenced in support of the bill. His remarks are given entire, as follows:

Mr. Chairman, I have risen to take some part in the discussion of the present question, not because I am certain I will say anything new or interesting; I feel, in common with others, some anxiety to express those sentiments which, I trust, will justify me in the vote I intend to give on the bill now under consideration, and in the course which I have, and expect to pursue in my official character, scarcely hoping to make any change in this Committee or the House in the state of the votes.

The bill under consideration proposes to authorize a loan to defray the expenses of the war, in the present year; it is as yet blank; but from

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the report of the Committee of Ways and Means; it appears that the sum of twenty-five millions will be necessary to be raised in this way; and the blank is proposed to be filled with that sum. The question which naturally presents itself, is, whether it is expedient thus to fill the blank and report the bill? This question would, at the first view, seem to limit the discussion to a narrow compass; but it has been decided, and seems to be understood, that it is in order on this bill, to take a full view of our political transactions and condition in all their various relations.

I do not propose to enter into so wide a range of discussion as some others who have preceded me; but I have thought it might not be amiss to indulge in some remarks on the question whether we had just cause of war against Great Britain.

Sir, it appears to me that this nation has just cause of war, upon two grounds: 1st. For reparation for her captures and condemnations under her Orders in Council. 2dly. For the impressment of seamen on board our merchant vessels. Perhaps it would be more correct to say, two distinct causes of war.

With respect to the first, I will say but little. It does seem to me quite clear, that if her Orders in Council were not authorized by those principles of reason and justice which civilized nations profess to be governed by, under the name of national law, that she is bound to compensate our citizens for all losses sustained under the operation of those orders. I do not hesitate to say, sir, that those orders cannot be justified by any principle of national law; and her rescinding of them amounts to something like an acknowledgment to that effect. I will not now dwell on this point.

I will now proceed to consider the question of the right of the British to impress her seamen on board our merchantmen, with a view to show that she possesses no such right, and that the practice affords to this nation just cause of war.

The fact of impressment is admitted on all hands; and, indeed, it is admitted that many, very many, of our own native born and naturalized sailors, have been impressed under color of impressing British sailors; the injury to our merchants is evident, and in many instances, great. The fact and the injury being clear, it seems unquestionably to devolve upon those who justify Great Britain, to show upon what principle of national law she is justified. Those who oppose her pretensions, might well rest upon the fact and the injury. But I will not stop here; I will endeavor to show that the practice is wholly illegal, as well in relation to the law of England as the law of nations.

By the great charter of English liberty, it is provided, that no freeman shall be imprisoned, but by the judgment of his peers, or the law of the land. This may be considered as a fundamental principle of the Government, and not to be altered but by the Parliament. A plain legal deduction from this principle is, that so long as it remains in force, every impressment, by mere Executive authority, is a trespass and false imprisonment. I would not be understood to con-

tend, that it is the duty or right of this nation to intermeddle with the municipal laws of England, so long as they are confined in their operation to English soil or English ships; let them impress within their own soil, and on board their own vessels, to any extent which the King and the naval officers may deem proper; it is an affair between the King and those impressed, with which we have no concern; but when they choose to make our merchant vessels, on the high seas, the theatres of Executive trespasses and violence, the case is changed; when the contracts which their sailors have made with our merchants are, by force, violated, and our vessels deprived of the competent number of hands, and left to drift to and fro on the wide ocean, it becomes us to inquire by what authority this is done. But, perhaps it may be thought our merchants err in employing British sailors. To this I answer, that British laws permit her sailors to go abroad; they can enter into contracts with their merchants for a term of service, which may expire in a foreign country; our traders and navigators may innocently hire them, and when they have thus hired them and made the success of a voyage, ship, cargo, and profit, dependent upon their services, it does appear to me to be most flagrantly oppressive and unjust, on the part of the British Executive, to interpose and forcibly wrest, from on board our vessels thus circumstanced, even British sailors. I know it may be said, that the practice of impressment is part of the law of England, and long usage on the part of the Executive branch of the Government, and some adjudged cases may be adduced, to give some countenance to the doctrine; but I rest upon the great charter, and I apprehend no Englishman would feel willing to admit that its provisions could be changed by the King or the courts of justice. The practice of impressment, then, I conclude is not warranted by the law of England; it is a trespass and false impressment in relation to the English sailor, and when committed on board an American ship, a most wanton outrage, involving consequences which it behooves this nation to guard against.

Permit me, sir, to test this practice by national law. Let us see whether any authority can be found for it, in any of those treatises which are generally among the civilized nations of Europe referred to as containing the recognised principles of international law. If Great Britain possesses this right of impressing her sailors, it would seem to me that it must be in virtue of some inherent principle of right, applicable to all times and under all circumstances, and which must have developed itself long before this, and have received the approbation of the most polished nations. What is the law of nations in peace? I state, sir, that it is, that all nations have a right to navigate and fish on the high seas without molestation. This is an everlasting principle of Nature's law; it rests upon a basis that cannot be shaken. The stores of the high seas are not to be exhausted; no nation can appropriate it, or any part of it, permanently; it may be useful to all, therefore

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it is free to all in time of peace, without any kind of molestation whatever; any forcible interruption or delay is a violation of the right. The practice of impressment would be a most palpable wrong; and indeed the bare stopping a vessel by force would be a violation of this great principle of the freedom of the seas. I refer to Vattel, pages 187 and 188, in support of this doctrine, and I believe every other author is in accordance. Those which I have read are.

Is the practice of impressing, a belligerent right, upon the principles of international law? I answer that it is not. According to Vattel, the right of seizing for carrying goods contraband of war; the right of seizing for being about to enter a port actually blockaded by a competent force; and the right of searching for and seizing enemies' goods, constitute the sum total of belligerent rights, in opposition to the freedom of the high seas to neutrals. These are so many exceptions to the great principle of the freedom of navigating the high seas, and all that have been acknowledged by the nations of Europe.

But, sir, it is not only contended here that the British Government have a right to impress sailors who have made temporary engagements with our merchants; but that they have even a right to impress those who have been naturalized according to our Constitution and laws upon the subject of naturalization. This position is founded upon the British common law doctrine of perpetual allegiance, and the vague plea of its being necessary on the part of Britain to preserve her national existence. I will here take the liberty of answering those arguments. In the first place, the doctrine of perpetual allegiance is a mere municipal law, not binding on the Government of any other country; and I believe I cannot be corrected, when I say it is not the law of any nation except Great Britain and France; and still less am I in fear of being corrected, when I say it is not a principle of national law. The contrary is laid down in Vattel, in Puffendorf, and in Burlamaqui, and various other writers on the subject of international law.

This doctrine of perpetual allegiance is moreover not warranted by reason or propriety. It is said to attach at the time of birth, and to depend upon it. What is there in the birth of man which can bind him by the tie of perpetual allegiance to the Government of the place where he is born? To my mind, it appears to be a mere accidental circumstance, in which the will of the individual is not concerned, and which of itself can be the basis of no obligation. Feeding, clothing, &c., certainly forms a strong basis for parental gratitude, and lays the child under obligation to make a suitable return to the parent in the same way, if necessary; but this seems to me to be an affair between the parent and child. What is done by the Government for the individual in his childhood, to lay him under such a perpetual obligation? I can conceive of no act. It is true, the Government abstains from taking his life when the physical power of so doing was in it; but I cannot conceive that this can be any ra-

tional foundation for the obligation of allegiance; as well might I tell you, sir, that you were under a perpetual obligation of gratitude to me, because, having the power of assassinating you, I had failed to do it.

It does not appear to me, that the obligation rests upon a different basis; it seems to me that protection on the part of the Government must be the foundation of the obligation of allegiance on the part of the individual. It appears to me that it must be a matter of contract, either express or implied; express, where the oath of allegiance is actually taken; implied, where no oath or positive stipulation is entered into. The purport of this contract is, that the individual binds himself to the society or Government, that he will, in return for protection, be obedient to the laws; they are reciprocal and dependent on each other; when the one ceases the other ceases. An individual just arrived at the period of discretion is presumed to enter into this contract with the society and Government where he was born.

It has been said, sir, that this doctrine of perpetual allegiance is necessary to preserve national existence; that it is the great principle of self-preservation. This I deny; but I will not deny but that every society or Government ought to possess the power of prohibiting its citizens from removing; and I will admit that there may be occasions when such power would be rightly executed; the contrary of this would be to suppose, that the citizens to any extent of numbers, might remove to avoid the perils and burdens of war, and thereby endanger the existence of the national Government. This power I take to be the true principle of preserving national existence. But, sir, this prohibition may be omitted, and indeed ought not to be exercised but upon urgent occasions; and where there is no legal prohibition there is permission. When the laws of the country where a man is born, permit him to go abroad to make a permanent residence; or, which is the same thing, when they do not prohibit; there is a tacit or implied contract for dissolving the contract of protection and allegiance; it must be presumed to be known to the Government, that the man upon settling permanently under another Government, must lay himself under obligations entirely incompatible with his first allegiance; he loses the protection of his first Government; he becomes bound in allegiance to his adopted Government; and in return is entitled to protection. It will not put the imagination on the rack, to suppose a case where the population of a country would press hard on the means of subsistence. In such a case, it would be the duty of its Government to permit a portion of its inhabitants to remove, in order to preserve their lives, the lives of others, and render the condition of the balance more comfortable; they are thrown off upon the principle of self-preservation; they address themselves to the humanity of some neighboring country; they are permitted to become citizens upon the condition of placing themselves under the bond of allegiance to their newly adopted country; in the course of a few revolving years, the